

LOCAL BANKRUPTCY RULES  
OF THE  
UNITED STATES BANKRUPTCY COURT  
FOR THE  
DISTRICT OF MARYLAND



Effective March 1, 2001

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND

LOCAL BANKRUPTCY RULES

ORDER

The following are the Local Bankruptcy Rules of the United States Bankruptcy Court for the District of Maryland. These Rules supplement the Federal Rules of Bankruptcy Procedure in effect March 1, 2001. These Local Rules shall be applicable to proceedings pending on March 1, 2001, and govern all proceedings in bankruptcy cases thereafter commenced and, insofar as just and practicable, all proceedings in bankruptcy cases then pending.

These local rules may be cited as "MD LOCAL BANKRUPTCY RULES."

  
\_\_\_\_\_  
PAUL MANNES, Chief Judge

  
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JAMES F. SCHNEIDER, Judge

  
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E. STEPHEN DERBY, Judge

  
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DUNCAN W. KEIR, Judge

DATE: February 12, 2001

**UNITED STATES BANKRUPTCY COURT**  
**FOR THE DISTRICT OF MARYLAND**

**FOREWORD**

In early Fall 2000, a draft of proposed Local Bankruptcy Rules was circulated and published on the web information center for the Bankruptcy Bar Association of Maryland and on the website of the American Bankruptcy Institute. Written comments and suggestions were solicited.

The Judges are indebted to the members of the Bar who responded. As a result of the comments, further changes were made in the Rules. The Judges of this court wish to thank everyone who participated in the process of creating an updated set of Local Rules for the United States Bankruptcy Court for the District of Maryland.

The Rules changes are summarized in the introduction that follows. There are no comments on minor grammatical or stylistic changes.

These Rules take effect on March 1, 2001, and govern all proceedings in bankruptcy cases thereafter commenced and, insofar as just and practicable, all proceedings in bankruptcy cases then pending.

PAUL MANNES  
Chief Judge

SUMMARY OF CHANGES  
TO  
LOCAL BANKRUPTCY RULES

EFFECTIVE MARCH 1, 2001

RULE 2016-1 (b) (AMENDED) - Debtor's attorney must now file two copies of the Federal Bankruptcy Rule 2016(b) disclosure statement. The second copy will be given to the panel trustee.

RULE 3012-1 (NEW) - This new Rule aligns the procedure in cases under Chapter 13 to "strip off" totally unsecured liens with the procedure used under Local Bankruptcy Rule 4003-2 for avoiding liens that impair exemptions.

RULE 3015-1(a) (AMENDED) - The Clerk's office is now serving copies of the plan through electronic means. Therefore, only two copies of the Chapter 13 plan are to be filed, one for the file and one for the standing trustee.

RULE 4008-1 (AMENDED) - Procedural Form B240 for Reaffirmation agreements is now available. It provides an easily understood statement of the debtor's rights and obligations regarding reaffirmation agreements.

RULE 7003-2 (NEW) - This rule requires the disclosure of corporate affiliates for each non-governmental corporate party.

RULE 7012-2 (NEW) - This rule makes LBR 7003-2 applicable to responding parties.

RULE 7026-1 (AMENDED) - Changes were necessary due to the December 1, 2000, revisions to Federal Rule of Civil Procedure 26.

RULE 9014-1 (AMENDED) - The initial disclosures required by Federal Bankruptcy Rule 7026(a) are not required in contested matters, unless the court directs otherwise.

RULE 9019-2 (NEW) - This rule provides for alternative dispute resolution.

**APPENDIX A - LOCAL BANKRUPTCY FORMS (LBF)** - The following eight Local Bankruptcy Forms are added or changed and appear in Appendix A:

**LBF-E Reaffirmation Agreement Form**

This is form B240 and replaces the summary of reaffirmation agreement.

**LBF-G Notice of Debtor (s)'Motion to Avoid Lien  
Pursuant to 11 U.S.C. § 506**

This form is new and provides notice to parties of the motion.

**LBF-H Order Granting Motion to Avoid Lien**

This is a new order for these motions.

**LBF-J-1 Application to Serve as Resolution Advocate**

**LBF-J-2 Order Assigning Matter to the BDRP**

**LBF-J-3 Confidentiality Agreement**

**LBF-J-4 Certificate of Compliance**

**LBF-J-5 Resolution Advocate Report**

LBF-J-1 through J-5 are all new and support the ADR rule.

THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND

LOCAL BANKRUPTCY RULES

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## APPENDIX

### A. Local Bankruptcy Forms

[LBF-A](#) Notice of Filing of Case in Bankruptcy Court

[LBF-B](#) Notice of Motion for Relief from Stay and Hearing Thereon

[LBF-C](#) Notice of Debtor(s)' Motion to Avoid Lien Pursuant to  
11 U.S.C. § 522(f)

[LBF-D](#) Financial Statement

[LBF-E](#) Reaffirmation Agreement Form

[LBF-F](#) Motion for Admission Pro Hac Vice

[LBF-G](#) Notice of Debtor (s)' Motion to Avoid Lien Pursuant to  
11 U.S.C. § 506

[LBF-H](#) Order Granting Motion to Avoid Lien

[LBF-J-1](#) Application to Serve as Resolution Advocate

[LBF-J-2](#) Order Assigning Matter to the BDRP

[LBF-J-3](#) Confidentiality Agreement

[LBF-J-4](#) Certificate of Compliance

[LBF-J-5](#) Resolution Advocate Report

### B. Local District Court Rules with Cross-Reference

### C. Discovery Guidelines

### D. Compensation Guidelines

## PART I

### **RULE 1002-1 PETITION - GENERAL**

(a) Rejection of Certain Deficient Petitions. The Clerk may not accept a petition and must reject it if:

(1) the petition is not signed with original signature(s);

(2) the party filing the petition neither pays the prescribed filing fee with the petition nor files with the petition an application to pay the required fee in installments, if eligible to do so;

(3) the debtor does not file the master mailing matrix with the petition;

(4) a Chapter 11 debtor does not file the list of twenty (20) largest unsecured creditors with the petition;

(5) the petition is submitted by a debtor who is not an individual and is not represented by an attorney who is a member of the bar of the District Court; or

(6) the petition is submitted by a person who, under either 11 U.S.C. § 109(g) or an order of court, may not be a debtor at the time of the submission of the petition.

(b) Other Deficient Petitions and Papers - Notice of Deficient Filing. The Clerk can issue a notice:

(1) specifying deficiencies -- except those described in subsection (a) -- in the petition, schedules, and associated papers; and

(2) stating that the petition, schedule or associated papers may be stricken or the case dismissed if the deficiencies are not corrected within five (5) business days after the date of issuance of the deficiency notice.

**RULE 1004-1      VOLUNTARY PETITION   -   PARTNERSHIP**

The person signing a voluntary petition for a partnership debtor must file with the petition a signed statement that all general partners join in or consent to the filing of the petition. Not later than two (2) business days after the petition is filed, the person or persons signing the petition must mail a copy of the petition to all general partners and file a certificate of compliance with this requirement.

**RULE 1006-1      FILING FEES   -   INSTALLMENT PAYMENTS**

(a) Tender of Payment. The filing fee may be paid in cash or by cashier's check, certified check or negotiable money order made payable to "Clerk, United States Bankruptcy Court." Payment by an attorney's check will be accepted only if the check is drawn on the account of the attorney for the debtor or on the account of a law firm of which the attorney for the debtor is a member, partner, associate or of counsel. The Clerk shall maintain a list of

attorneys and law firms whose checks have been dishonored and may refuse to accept the checks of such attorneys or firms.

(b) Payment of Fees in Installments. The Clerk may approve for the court an application by an individual to pay the filing and administrative fees in installments that proposes a payment plan with minimum payments in accordance with the following schedule:

	At Filing	Within 30 Days After Filing	Within 60 Days After Filing	Within 90 Days After Filing
Chapter 7	25%	25%	25%	25%
Chapter 11	50%	50%	--	--
[Chapter 12	25%	25%	25%	25%]
Chapter 13	25%	25%	25%	25%

(c) Limitation on Payment of Fee in Installments. If a debtor's case is dismissed for failure to pay one or more installments of the filing fees, and if the debtor subsequently files a bankruptcy case, the filing fee for the new bankruptcy case must be paid in full when the petition is filed.

#### **RULE 1007-1      LISTS, SCHEDULES & STATEMENTS**

(a) Chapter 7, [12] and 13 Cases In a Chapter 7, [12] or 13 case, the debtor must file an original and two (2) copies of the petition, lists, schedules and statements required by Federal Bankruptcy Rule 1007.

(b) Chapter 9 and 11 Cases. In a Chapter 9 or 11 case, the debtor must file an original and six (6) copies of the petition, lists, schedules and statements required by Federal Bankruptcy Rule 1007.

(c) Chapter 13 Plans.

See Local Bankruptcy Rule 3015-1.

**RULE 1007-2      MAILING LIST OR MATRIX**

(a) Matrix Contents. A debtor must file with the voluntary petition a master mailing matrix containing the names and addresses of the debtor and all creditors. In a case under Chapter 11, the debtor must include in the matrix the taxing authority for each county in which the debtor holds an interest in real estate.

(b) Matrix Form. The master mailing matrix must be submitted in the form required by the Clerk.

(c) Supplemental Matrix. The debtor must file a supplemental mailing matrix with any schedule or amended schedule that contains a change in address of an entity entitled to notice or adds the names of an entity not listed on the original matrix. The supplemental matrix must conform to the form required by the Clerk.

(d) Verification. The master mailing matrix and any supplemental mailing matrix must be dated and verified. The verification must state that to the best of the affiant's knowledge, information and belief the documents are accurate and complete.

**RULE 1007-3      VERIFICATION OF AUTHORITY TO FILE - CORPORATIONS**

A certified copy of the resolution authorizing the filing of the bankruptcy petition must be filed with a corporate debtor's voluntary petition. The resolution must show approval by the corporate body empowered by applicable law to authorize filing a bankruptcy petition.

**RULE 1007-4      NOTICE TO CREDITORS NOT LISTED ON ORIGINAL MATRIX**

If a debtor files schedules after filing the petition, and if the debtor's schedules include one or more creditors that were not included on debtor's master mailing matrix filed with the petition, a debtor must comply with the following procedures:

(a) Notice to Creditors. The debtor must send to each creditor added a copy of the original Notice for Meeting of Creditors.

(b) Certificate of Compliance. With the schedules, the debtor must file a certificate of compliance with this Rule, together with a dated and clearly titled supplemental mailing matrix that lists only the names and correct mailing addresses of each newly scheduled creditors.

**RULE 1009-1      AMENDMENTS TO LISTS AND SCHEDULES**

When filing amended schedules that add previously unscheduled creditors, a debtor must comply with the following procedures:

(a) Notice to United States Trustee. The debtor must send a copy of the amended schedule to the Office of the United States Trustee and to any trustee appointed in the case.



(b) Notice to Creditors. The debtor must send to each creditor added or whose status is changed by the amended schedule.

(1) a copy of the amended schedule;

(2) a copy of the original Notice for Meeting of Creditors; and

(3) a copy of each order that establishes or extends a bar date for claims or for complaints to determine the dischargeability of debts.

(c) Certificate of Compliance. With the amended schedule, the debtor must file a certificate of compliance with this Rule, together with a dated and clearly titled supplemental mailing matrix that lists only the names and correct mailing addresses of all newly scheduled creditors.

**RULE 1014-1      CHANGE OF VENUE -- PERSONAL INJURY TORT  
AND WRONGFUL DEATH CLAIMS**

Local Rule 404(B) of the United States District Court for the District of Maryland governs motions for change of venue in proceedings covered by 28 U.S.C. § 157(b)(5). [See Appendix B.](#)

**RULE 1015-1      JOINT ADMINISTRATION/CONSOLIDATION**

The estates of spouses filing a joint petition will be deemed consolidated under § 302(b) of the Bankruptcy Code unless otherwise ordered on the motion of a party in interest made within thirty (30) days after conclusion of the meeting of creditors held under § 341 of the Bankruptcy Code.

#### **RULE 1017-1 DISMISSAL OR SUSPENSION OF CASE OR PROCEEDING**

The court may dismiss any case on its own motion for failure of the debtor to file timely a required document, such as the Statement of Financial Affairs, a Schedule, the Statement of Intention under Bankruptcy Code § 521, a matrix or a Chapter 13 Plan, or for failure to pay an installment of the filing fee. The dismissal may be entered after ten (10) days' notice to the debtor, counsel to the debtor, and the United States Trustee and an opportunity for hearing.

## PART II

### **RULE 2002-1 NOTICE TO CREDITORS & OTHER INTERESTED PARTIES**

(a) Noticing Period. A debtor, creditor, official committee, and any other party in interest sending a notice of proposed action to other parties in interest must give recipients no less than twenty (20) days from the date of completion of service to file an objection to the action described in the notice, unless the Federal Bankruptcy Rules specifically require a different time or unless otherwise ordered by the court or these Rules.

(b) Content. In addition to the information required by specific notices, notices must contain sufficient information to enable a party in interest to make a reasonably well-informed decision whether to object to the action proposed in the notice. The notice must state: (1) the date by when objections must be filed; (2) the person upon whom objections must be served; (3) that the proposed action may be authorized without further order or notice if no timely objection is filed; (4) that the court, in its discretion, may conduct a hearing or determine the matter without a hearing regardless of whether an objection is filed; (5) that an objection must state the facts and legal grounds on which the objection is based; and (6) the name of the party giving notice or its attorney, together with the address and the telephone number of the party to be contacted if parties in interest have questions regarding the subject of the notice. A notice may not state that an objecting party must attend a court hearing in support of any objection made.

(c) Certificate of Service. A party must file a certificate of service of a notice given under these Rules or the Federal Bankruptcy Rules within five (5) days after completion of service.

(d) Content of Objections. An objecting party must state the authority for the objection either in its filed objection or in an accompanying memorandum of fact and law. An objecting party must certify that copies of the objection and of any supporting memorandum have been sent to the opposing party or parties and their counsel.

(e) Sale Notices.

See Local Bankruptcy Rule 6004-1.

(f) Technical Requirements for Notices. A party sending a notice must show the date of completion of service conspicuously on the face of the notice.

(g) Limitation of Notice - Chapter 7. Notices to creditors in cases under Chapter 7 required by Federal Bankruptcy Rule 2002(a) may be limited as provided under Federal Bankruptcy Rule 2002(h) to (1) creditors that hold claims for which proofs of claim have been filed and (2) such other creditors who may file timely claims.

(h) Limitation of Notice - Chapter 11. In Chapter 11 cases, where official committees are appointed and the number of creditors exceeds thirty (30), notices of the actions described below can be limited to the debtor, the United States Trustee, the members of all official committees or committee counsel, if appointed, and to those creditors and equity security holders who file and serve on counsel for the debtor a written request for notices:

(1) the proposed use, sale or lease of property of the estate other than in the ordinary course of business;

(2) the hearing on the approval of a compromise or settlement of a controversy -- other than the approval of an agreement pursuant to Federal Bankruptcy Rule 4001(d);

(3) a hearing on an application for compensation or reimbursement of expenses; and

(4) such other notices as the court orders.

(i) Voluntary Dismissal - Chapter 7 and 11. Notices of a motion by debtor to dismiss a voluntary case under Chapter 7 or 11 must be sent to all parties in interest.

(j) Continued Meetings and Hearings. If a hearing or meeting of creditors is continued or rescheduled at the request of a party, or for reason of the failure of a party to appear or comply with applicable law or rules, that party must send notice of the continued or rescheduled hearing or meeting to all creditors and other entities entitled to notice and file a certificate of that notice.

#### **RULE 2004-1      EXAMINATIONS UNDER FEDERAL BANKRUPTCY RULE 2004**

(a) Production Request Limits. A party in interest may not request or compel an entity being examined under Federal Bankruptcy Rule 2004 to respond to more than thirty (30) requests for production.

(b) Smoking During Examinations Prohibited. No one can smoke in a room where an examination is being conducted, unless all persons present agree.

(c) Examination and Production to Proceed Despite Existence of Disputes. An examination or production dispute as to one matter does not justify delay in taking an examination or responding to other examination or production requests, unless otherwise ordered by the court.

(d) Examination Guidelines. The court's Discovery Guidelines set forth in [Appendix C](#) govern the conduct of examinations and requests for production, unless they are not applicable in context.

(e) Conference of Counsel Required. Counsel must confer concerning an examination or production dispute and make good faith attempts to resolve their differences. The court will not entertain a motion to resolve an examination or production dispute unless the moving party has filed a certificate stating:

(1) the date, time, and place of a dispute resolution conference; the names of all persons participating; and any unresolved issues remaining; or

(2) the moving party's attempts to hold such a conference without success.

(f) Copying Expenses. A party in interest requesting copies of documents that were produced for inspection under Federal Bankruptcy Rule 2004 must pay the actual, reasonable costs of copying.

**RULE 2015-1      COMPENSATION BY DEBTOR IN CHAPTER 11**

(a) The rate of compensation paid by debtor in possession to its officers, directors or partners shall not exceed the rate of compensation paid to those persons ninety (90) days prior to the filing of the petition, unless otherwise ordered by the court.

(b) The debtor shall file a statement containing the following information within twenty (20) days after filing a petition in a Chapter 11 case:

(1) a statement specifying the duties and positions of the following:

(A) the debtor, if an individual;

(B) the members of the partnership;

(C) the officers and directors of the corporation, and any other insiders;

(2) the rate of compensation paid to each ninety (90) days prior to and at the time of the filing of the petition; and

(3) the rate of compensation of each as of the time the statement is filed.

**RULE 2016-1      COMPENSATION OF PROFESSIONALS**

(a) Applications for Compensation by Professionals. Unless the court orders otherwise, all professionals seeking compensation pursuant to Bankruptcy Code §§ 327, 328, 330, and 331, including attorneys, accountants, examiners, investment bankers and real estate advisors, must prepare and submit their applications for

compensation in accordance with the Guidelines attached as [Appendix D](#) to these Rules.

(b) Disclosure of Compensation. The attorney for the debtor must file two copies of Federal Bankruptcy Rule 2016(b) disclosure statement with the petition. If the debtor's attorney's appearance is entered after the filing of the petition, the attorney must file two copies of the Federal Bankruptcy Rule 2016(b) disclosure statement at the time of entry of appearance.

#### **RULE 2070-1      ADMINISTRATIVE EXPENSES**

Motions for the allowance or payment of administrative expenses must be served upon the trustee, any committee elected under § 705 or appointed under § 1102 of the Bankruptcy Code or its authorized agent, or in a Chapter 11 case, if no committee of unsecured creditors has been appointed, to those creditors on the list filed pursuant to Federal Bankruptcy Rule 1007(d), the United States Trustee, and to those parties in interest who have filed written requests for notice.

#### **RULE 2072-1      NOTICE TO OTHER COURTS WITH PENDING ACTIONS**

The debtor or other party filing a bankruptcy case must promptly send notice conforming to Local Bankruptcy Form A of the bankruptcy filing to the following persons:

(a) the clerk of any court where the debtor is a party to a pending civil action and all other parties of record; and

(b) any judge specially assigned to a pending civil action in which the debtor is a party.



**RULE 2081-1      CHAPTER 11 - SCHEDULED CLAIMS**

The debtor in a Chapter 11 case must serve on each creditor whose claim is listed on a schedule as disputed, contingent, or unliquidated, notice of that listing within fifteen (15) days after filing the schedule or within fifteen (15) days after adding a disputed creditor to a previously filed schedule. The notice must state that such creditor has the right to file a proof of claim and the failure to do so timely may prevent the creditor from voting on a plan or participating in any distribution. The debtor must file a certificate of service of the notice within five (5) days of service.

**RULE 2081-2      CHAPTER 11 ACCELERATED CASES - CHAPTER 11(a)**

(a) Designation of Chapter 11(a) Cases. In a case other than one commenced as a small business case or a single-asset real estate case, the court, with or without motion or notice, for cause appearing, may designate a Chapter 11 case for accelerated treatment. A Chapter 11 case designated for accelerated treatment is referred to in these Rules as a "Chapter 11(a) case."

(b) Reconsideration. A party in interest can, at any time, request that the court reconsider a Chapter 11(a) designation; and the court, for cause appearing, can at any time, with or without motion or notice, rescind a Chapter 11(a) designation.

(c) Cross References. See Local Bankruptcy Rules 3014-1, 3016-1, 3016-2, and 3017-1.

### PART III

#### **RULE 3007-1      CLAIMS - OBJECTIONS**

(a) Objection. In addition to the service required by Federal Bankruptcy Rules 9014 and 7004(b), a party objecting to a proof of claim must serve a copy of the objection and any supporting memorandum and affidavit on the claimant at the address (and in care of the individual) shown on the proof of claim and must certify that service to the court. The objection must conspicuously state that:

(1) within thirty (30) days after the date on the certificate of service of the objection, the claimant may file and serve a memorandum in opposition, together with any documents and other evidence the claimant wishes to attach in support of its claim, unless the claimant wishes to rely solely upon the proof of claim; and

(2) an interested party may request a hearing that will be held in the court's discretion.

(b) Adversary Proceeding. This Rule does not apply where an objection to a claim is joined with a request for relief of a kind specified in Federal Bankruptcy Rule 7001 and thereby becomes an adversary proceeding.

**RULE 3012-1 LIEN AVOIDANCE UNDER 11 U.S.C. § 506 - CHAPTER 13  
ONLY**

(a) Form. A motion to avoid a lien under 11 U.S.C. § 506 may name only one creditor as a respondent. A separate motion is required for each creditor whose lien is sought to be avoided.

(b) Service of Motion and Notice of Hearing.

(1) The Clerk will maintain a list of dates available for hearings on motions to avoid liens on the calendar of each judge of the court. The list will be posted in the public area of each division and published by such other means selected by the Clerk.

(2) Movant must select a hearing date from the list for the judge to whom the case is assigned that is more than fifty (50) days after the date of service.

(3) Movant must serve a copy of the motion to avoid lien on the respondent in the manner required by Federal Bankruptcy Rules 9014 and 7004(b) and Local Bankruptcy Rule 3007-1(a), together with a hearing notice conforming to Local Bankruptcy Form G.

(c) Filing of Proof of Service. Movant must file with the motion a certificate of service of the motion to avoid lien and the notice of hearing. The certificate must comply with Local Bankruptcy Rule 9013-4.

(d) Responses to Motion to Avoid Liens.

(1) Time. If no response to the motion to avoid lien is filed within twenty five (25) days after the date of the service, the court may rule on the motion as unopposed.

(2) Unopposed Motions. The court may grant or otherwise dispose of an unopposed motion before the scheduled hearing date.

(e) Proposed Order. Movant shall file with the motion a proposed order conforming to Local Bankruptcy Form H. If granted, the avoidance of the lien shall occur at such time as debtor completes performance of debtor's confirmed Chapter 13 plan and receives a discharge under 11 U.S.C. § 1328(a).

**RULE 3014-1      BANKRUPTCY CODE § 1111(b) ELECTION IN  
CHAPTER 11(a) REORGANIZATION CASES**

A Bankruptcy Code § 1111(b) election in a Chapter 11(a) case can be made at any time prior to the conclusion of the confirmation hearing.

**RULE 3015-1      CHAPTER 13 PLANS - COPIES, SERVICE**

(a) If a debtor files a plan with the petition, the debtor must file: one (1) copy of the plan signed by the debtor or by each debtor in a joint case; one (1) additional copy for the standing chapter 13 trustee.

(b) If, after filing the petition, the debtor files an original plan, or an amended plan that does anything other than increase the amount payable under the plan, debtor must serve a copy of the plan upon each creditor and the Chapter 13 trustee, and file a certificate of service.

**RULE 3015-2      CHAPTER 13 - CONFIRMATION**

Debtors and their counsel must attend all scheduled confirmation hearings, unless excused by the Chapter 13 trustee or the court.

**RULE 3016-1      CHAPTER 11(a) ACCELERATED CASE PLAN**

(a) Time for Filing Plan in Chapter 11(a) Accelerated Case.  
The court will set a time by which the Chapter 11(a) debtor must file a plan, no earlier than sixty (60) days after the entry of the order designating the case for accelerated treatment.

(b) Extension of Time. The court can, with or without motion or notice, extend the time set under section (a) of this Rule for filing a plan.

(c) Failure to File Plan. The failure of a debtor to file a plan within a time set by the court under section (a) or (b) of this Rule will constitute cause for dismissing the case or converting the case to a case under Chapter 7 pursuant to Bankruptcy Code § 1112(b)(4).

**RULE 3016-2      CHAPTER 11(a) ACCELERATED CASE DISCLOSURE STATEMENT**

(a) Time for Filing. The court will set a time by which a Chapter 11(a) debtor must file a disclosure statement, no earlier than sixty (60) days after the entry of the order designating the case for accelerated treatment.

(b) Extension of Time. The court can, with or without motion or notice, extend any time set under section (a) of this Rule for filing a disclosure statement.

(c) Failure to File Disclosure Statement. The failure of a debtor to file a disclosure statement within a time set by the court under section (a) or (b) of this Rule will constitute cause for dismissing the case or converting the case to a case under Chapter 7 pursuant to Bankruptcy Code § 1112(b)(3).

(d) Content. The disclosure statement for a Chapter 11(a) plan must include a liquidation analysis and a projected budget that contains plan payments.

**RULE 3017-1      CONDITIONAL APPROVAL OF DISCLOSURE STATEMENT,  
OBJECTIONS, AND HEARING IN CHAPTER 11(a)  
ACCELERATED CASE**

(a) Conditional Approval. The court can conditionally approve a disclosure statement filed by a Chapter 11(a) debtor prior to giving notice of a hearing on the disclosure statement.

(b) Application of Federal Bankruptcy Rule 3017. A disclosure statement conditionally approved by the court can be sent to creditors and equity security holders under Bankruptcy Code § 1125(c) and Federal Bankruptcy Rule 3017(d)(2) and can be used to solicit acceptances or rejections of a plan under Bankruptcy Code § 1125(b).

(c) Objections. Objections to Chapter 11(a) disclosure statements must be filed and served on the debtor, the plan proponent, any committee appointed under the Bankruptcy Code and

any other entity designated by the court, at least two (2) days before final approval of the disclosure statement, or by an earlier date set by the court.

(d) Disclosure Statement Final Approval. If no objection to or request to modify the Chapter 11(a) disclosure statement is timely filed, the conditional approval of the disclosure statement becomes final at the plan confirmation hearing.

(e) Disclosure Statement Objections Hearing. An objection to or request to modify the Chapter 11(a) disclosure statement will be considered at the confirmation hearing held under Bankruptcy Code § 1128(a) and Federal Bankruptcy Rule 3020(b).

(f) Disclosure Statement Amendment. If the court determines that a disclosure statement should not be approved in its current form, the debtor can amend the disclosure statement and the court can conditionally approve the amended disclosure statement which the debtor will then send to creditors. In that event, the court may continue the confirmation hearing and set new dates for filing objections to confirmation and for filing plan acceptances or rejections.

#### **RULE 3018-1      BALLOTS - VOTING ON PLANS**

(a) Tally. The tally of ballots must be filed with the Clerk no later than the third business day prior to the confirmation hearing. The tally must substantially conform to the form prescribed by the court and available from the Clerk.

(b) Disputed Claims. A creditor will have the right, if demanded in a timely response to an objection to its claim, to a hearing on temporary allowance of its claim for the purpose of accepting or rejecting a plan.

**RULE 3022-1      COMPLETION OF THE ADMINISTRATION OF CONFIRMED  
CHAPTER 11 PLANS**

(a) Fully Administered Plan. A Chapter 11 plan will be deemed fully administered under Federal Bankruptcy Rule 3022:

(1) after the completion of the following:

(A) six (6) months have elapsed after the entry of a final order of confirmation that has become nonappealable;

(B) the deposits required by the plan have been distributed;

(C) the property proposed by the plan to be transferred has been transferred;

(D) the debtor or the successor of the debtor under the plan has assumed the business or the management of the property dealt with by the plan;

(E) payments under the plan have commenced; and

(F) all motions, contested matters, and adversary proceedings have been finally resolved; or

(2) at another time specifically defined by the plan.

(b) Certification. A proponent of a confirmed plan that is fully administered must file forthwith a certification of full administration. The certification must include a final summary



report of the disbursements, distributions, and transfers that have been made pursuant to the plan, together with a description of other acts taken to consummate the plan. The certificate must also describe any matters involving consummation of the confirmed plan that have not been fully resolved.

(c) Final Decree. The plan proponent must file with the court and serve on the United States Trustee an application for a final decree closing the case with the certificate of full administration.

(d) Progress Reports - The plan proponent shall file and serve on the United States Trustee reports of progress towards full administration of the plan until the proponent files a final certification and report. The first report must be filed six (6) months after the entry of the order of confirmation. Subsequent reports must be filed every six (6) months thereafter.

#### **RULE 3070-1      CHAPTER 13 - SPECIAL PROCEDURES**

(a) Payments to Secured Creditors.

(1) After the filing of a case under Chapter 13, and regardless of any provision in a proposed plan, the debtor must continue to make the regular payments as and when due on debts secured by property to be retained by the debtor.

(2) The court can modify this requirement on motion provided that such motion must contain conspicuous notice that (A) any opposition to the proposed modification must be filed within twenty (20) days after service of the motion upon the holder of the secured claim and the Chapter 13 trustee and (B) the court may rule on the motion without a hearing.

(b) Modification of Secured Claims. In plans providing for modification of secured claims by the payment of the value of the collateral under a plan, the trustee will credit debtor for the amount paid under subparagraph (a) above. After confirmation of the plan, the debtor shall document the postpetition payments made. The secured claim will be reduced by the amount of the payments made.

(c) Trustee Expenses and Clerk's Fees. Upon dismissal or conversion of a Chapter 13 case, any funds that the trustee holds in a case will be charged for the trustee's allowed expenses and any outstanding Clerk's fees.

## PART IV

### **RULE 4001-1      AUTOMATIC STAY - RELIEF FROM**

(a) Form of Motion. A motion for relief from the automatic stay of 11 U.S.C. § 362(a) must be titled "Motion for Relief from Stay" or a similar phrase. The motion's caption must be in the format used in Official Bankruptcy Form 16D for an adversary proceeding. The motion may not be combined with a request for any other relief, except for adequate protection or for relief from the co-debtor stay of 11 U.S.C. [§§ 1201(a) or] 1301(a).

(b) Contents of Motion for Relief from Stay. The following material, when applicable, must be included in a motion for relief from stay:

- (1) A detailed statement of the debt owed to the movant;
- (2) If periodic payments are in arrears, the amount of arrears accrued prepetition and the amount of arrears accrued postpetition;
- (3) A description of the property encumbered;
- (4) A description of the security interest involved, with attached documents that evidence the security interest and its perfection;
- (5) A statement of the basis for the relief claimed, such as, a lack of adequate protection or the absence of equity and that the property is not necessary for an effective reorganization. The specific facts constituting cause shall be set forth if a motion is brought for cause;

(6) If movant asserts a valuation of the subject property, the motion should state the amount of the valuation, the date, and the basis therefor (appraisal, blue book, etc.);

(7) The specific nature of the relief from stay that is requested; and

(8) The proposed order accompanying the motion shall grant the specific relief requested in the motion.

(c) Service of Motion and Notice of Hearing.

(1) The Clerk will maintain a list of dates available for hearings on motions for relief from stay on the calendar of each judge of the court. The list will be posted in the public area of each division and published by such other means selected by the Clerk.

(2) Movant must select a hearing date from the list for the judge to whom the case is assigned that is more than twenty-one (21) days after the date of service.

(3) Movant must serve the motion for relief from stay with a hearing notice conforming to Local Bankruptcy Form B. The motion and hearing notice must be served upon all entities entitled to notice of the motion for relief from stay.

(d) Filing of Proof of Service. Within five (5) business days after service, the movant must file the motion for relief from stay, the notice of hearing, and a certificate of service covering both. The certificate must comply with Local Bankruptcy Rule 9013-4.

(e) Responses to Motions for Relief from Stay.

(1) Time. If no response to the motion for relief from stay is filed within seventeen (17) days after the date of the notice, the court may rule on the motion as unopposed.

(2) Form. The caption of the response must be the same as the form for the caption of the motion as set out in paragraph (a) above.

(3) Pleading. A response must include detailed answers to each numbered paragraph of the motion, in conformity with the requirements of Fed.R.Civ.P. 8(b) and (d). All defenses to the motion must be stated in the response.

(4) Response by Standing Chapter [12 and] 13 Trustees Standing [Chapter 12 and] Chapter 13 Trustees are served for informational purposes and are not required to respond to motions for relief from stay.

(f) Unopposed Motions. If a timely response opposing the relief requested is not filed to a motion served in accordance with this Rule, the court may grant or otherwise dispose of the motion before the scheduled hearing date.

(g) Requirements Under 11 U.S.C. § 362(e).

(1) Waiver. If a movant notices a hearing date more than thirty (30) days after the date of the filing of the motion, movant is deemed to have consented to the inapplicability of 11 U.S.C. § 362(e) through the day of the hearing on the motion for relief from stay.

(2) Commencement of Measuring Period. A request for relief under 11 U.S.C. § 362(d) is complete to commence the thirty (30) day measuring period under § 362(e) only when filed and noticed in compliance with this Rule.

(h) Deadline for Pre-filing Exhibits. In cases under Chapter 11, exhibits must be pre-filed as required by Local Bankruptcy Rule 7016-1(c) no later than the third business day before the noticed hearing date.

**RULE 4002-1      CURRENT ADDRESS AND TELEPHONE NUMBER OF DEBTOR**

(a) Address of Debtor. All debtors must maintain a statement of current address with the Clerk. This obligation continues until the case is closed.

(b) Debtor's Telephone Number. Debtors proceeding in proper person must maintain a statement of the debtor's current telephone number with the Clerk. This obligation continues until the case is closed.

**RULE 4003-1      OBJECTION TO CLAIM OF EXEMPTIONS**

Required Notice. An objection to the list of property claimed as exempt under § 522 of the Bankruptcy Code must contain conspicuous notice that: (1) any opposition to the objection must be filed and served within thirty (30) days after the objection was served, and (2) the court may rule upon the objection and any response thereto without a hearing.

**RULE 4003-2      LIEN AVOIDANCE UNDER 11 U.S.C. § 522(f)**

(a) Form. A motion to avoid a lien under 11 U.S.C. § 522(f) may name only one creditor as a respondent. A separate motion is required for each creditor whose lien is sought to be avoided.

(b) Service of Motion and Notice of Hearing.

(1) The Clerk will maintain a list of dates available for hearings on motions to avoid liens on the calendar of each judge of the court. The list will be posted in the public area of each division and published by such other means selected by the Clerk.

(2) Movant must select a hearing date from the list for the judge to whom the case is assigned that is more than fifty (50) days after the date of service.

(3) Movant must serve a copy of the motion to avoid lien on the respondent together with a hearing notice conforming to [Local Bankruptcy Form C](#).

(c) Filing of Proof of Service. Movant must file with the motion a certificate of service of the motion to avoid lien and the notice of hearing. The certificate must comply with Local Bankruptcy Rule 9013-4.

(d) Responses to Motions to Avoid Liens.

(1) Time. If no response to the motion to avoid lien is filed within twenty-five (25) days after the date of the service, the court may rule on the motion as unopposed.

(2) Unopposed Motions. The court may grant or otherwise dispose of an unopposed motion before the scheduled hearing date.

**RULE 4007-1      DISCHARGEABILITY COMPLAINTS UNDER 11 U.S.C.  
§ 523(a)(15)**

In an adversary proceeding where a claim is made under § 523(a)(15), plaintiff shall file with the complaint (1) copies of the order, agreement, or any other document relied upon as the source of the obligation, and (2) a completed Local Bankruptcy Form D Financial Statement. Defendant shall file a financial statement in the same form with the response to the complaint. The parties have a continuing obligation to update the financial statements during the pendency of the adversary proceeding.

**RULE 4008-1      REAFFIRMATION AGREEMENTS**

When a debtor is represented by counsel that represented the debtor during the course of negotiating the reaffirmation agreement, the requirements of 11 U.S.C. §524(c) are deemed satisfied by the filing of an original, fully completed Reaffirmation Agreement Form B240 (3/99) published by the Administrative Office of the United States Courts, as it may be amended, that has been executed by the debtor, debtor's counsel, and the creditor. A copy of Form B240 is Local Bankruptcy Form E in [Appendix A](#).



## PART V

### **RULE 5001-1      COURT ADMINISTRATION - LAPSE IN APPROPRIATIONS**

This Rule will become effective only when Congress fails to enact legislation to fund operations of the United States Courts. The Anti-Deficiency Act, 31 U.S.C. § 1515, limits permissible government activities in the event of such a failure to those otherwise "authorized by law" or those needed to meet "cases of emergency involving the safety of human life or the protection of property."

This court is directly involved in the judicial process and under the Constitution and laws of the United States, it is always open to exercise the judicial power of the United States as a unit of the District Court. Thus, the court must continue, even in the absence of funding by Congress, to receive new cases, and to hear and dispose of pending cases. Activities will, however, be limited as nearly as practical to those functions necessary and essential to continue the resolution of pending cases. The court will advise the United States Marshal and the General Services Administration of the level of building and security services necessary to maintain such court operations.

The court finds that judges' staffs and the Clerk and the Clerk's staff are persons essential to the continuation of court operations. Work of all personnel shall be limited to those essential functions set forth above.

**RULE 5001-2      CLERK - OFFICE LOCATION/HOURS**

(a) Office Hours. The office hours of the Clerk in the Greenbelt and Baltimore Divisions shall be from 8:00 a.m. to 4:00 p.m. on all days, except Saturdays, Sundays, and holidays observed by the United States District Court for the District of Maryland.

(b) "Night Box" A "night box" is located in the lobby of each of the United States Courthouses in Baltimore and in Greenbelt. Bankruptcy petitions, pleadings and other papers may be placed in the night box for filing after regular office hours, Monday through Friday (except holidays) and until the courthouse is closed or midnight, whichever is earlier. The Garmatz Federal Courthouse in Baltimore is open 24 hours while the Greenbelt Federal Courthouse is closed at 9:30 p.m. **The night box is intended as an after-hours convenience, and it is not intended as an alternative for filing papers during regular office hours.** Petitions, pleadings and other papers deposited in the night box will be "date stamped" the day they are deposited. During periods outside regular office hours of the Clerk's Office when the night box is not available, arrangements may be made in advance for emergency filings by contacting a designated court representative. The names of the designated court representatives are posted on each night box and on notice boards in the divisional offices.

(c) Division of Business. The division of business for the United States Bankruptcy Court for the District of Maryland is as follows:

(1) Cases originating in Allegany, Calvert, Charles, Frederick, Garrett, Montgomery, Prince George's, St. Mary's, and Washington Counties are assigned to the Greenbelt Divisional Office, 300 U.S. Courthouse, 6500 Cherrywood Lane, Greenbelt, Maryland, 20770, (301) 344-8018.

(2) Cases originating in Baltimore City, Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Harford, Howard, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties are assigned to the Baltimore Divisional Office, 8515 U.S. Courthouse, 101 West Lombard Street, Baltimore, Maryland, 21201, (410) 962-2688.

**RULE 5003-1 COURT PAPERS - REMOVAL OF**

(a) Removal, Copies. Except as provided in this Rule, no court record or paper filed in or connected with a case may be removed from the Clerk's office without a court order. The Clerk will arrange for the duplication of any unrestricted court paper on the request of any person and prepayment of the cost thereof.

(b) Claims. With prior consent of the Clerk, trustees can remove that portion of a file containing proofs of claim from the Clerk's office.

**RULE 5005-1 FILING PAPERS - SIZE OF PAPERS**

Pleadings, exhibits to pleadings where practicable, and other papers must be legible and must be on 8-1/2 x 11 inch paper. All papers (other than the mailing matrix) must be punctured by a standard two-hole punch centered along the top margin. Original

pleadings shall be marked "original," and copies shall be marked "copy" in the upper right-hand corner.

**RULE 5011-1      ABSTENTION**

(a) Adversary Proceeding. In an adversary proceeding, a motion for abstention pursuant to 28 U.S.C. § 1334(c), must be filed within the time prescribed for filing a response under Federal Bankruptcy Rule 7012(a).

(b) Contested Matter. In a contested matter, a motion for abstention pursuant to 28 U.S.C. § 1334(c) must be filed within thirty (30) days from the date indicated on the certificate of service on the pleading initiating the contested matter.

**RULE 5011-2      WITHDRAWAL OF REFERENCE**

A motion for withdrawal of reference is governed by Local Rule 404(A)(2) of the United States District Court for the District of Maryland. [See Appendix B](#).

**RULE 5071-1      MOTIONS FOR POSTPONEMENT/CONTINUANCES**

(a) Court Order Required. A court order is required for any postponement of a hearing, pretrial conference, or trial.

(b) Notice to Client and Other Parties. A motion for a postponement of a hearing, pretrial conference, or trial may not be filed without the knowledge of the client of counsel moving for the postponement. Notice of such motion, together with the reasons therefor, must be given to all other parties or their counsel before filing unless such notice is waived.

(c) Conflicting Engagement. A motion for a postponement of a hearing or trial on the grounds of a prior conflicting engagement must be filed within ten (10) days after the date such conflict became apparent. Written evidence of the conflicting engagement must be attached to the motion.

(d) Meeting of Creditors. A request for postponement of a meeting of creditors held under Bankruptcy Code § 341 shall be handled as follows:

(1) in Chapter [12 and] 13 cases requests shall be made to the standing trustee assigned to the case;

(2) in Chapter 7 cases requests shall be made to the interim trustee; and

(3) in Chapter 11 cases requests shall be made to the Assistant U.S. Trustee assigned to the division of court where the case is pending.

**RULE 5073-1      PHOTOGRAPHY, RECORDING DEVICES AND BROADCASTING**

Unless otherwise ordered by the court, no court proceeding can be photographed, videotaped, televised, recorded, reproduced, or broadcast in any way except by an official court reporter.

## PART VI

### **RULE 6004-1      SALE OF ESTATE PROPERTY**

(a) Sale Notices. Notices of private sale of estate property by the trustee must include the following:

- (1) if an appraisal has been performed,
  - (A) the appraised value of the asset being sold;
  - (B) the date of the appraisal; and
  - (C) the name and address of the appraiser;
- (2) if no appraisal has been performed, the scheduled value of the asset being sold;
- (3) the purchaser's identity;
- (4) a full description of any relationship between the purchaser and any party in interest; and
- (5) a statement of all consideration paid and to be paid by the purchaser and the payment terms.

(b) Disclosure of Sale Charges.

- (1) Unless included in the notice of sale, the following charges cannot be paid in connection with the sale of estate property:
  - (A) points, loan origination fees, loan enabling fees, or other buyer financing charges for the purchase of property of the estate;
  - (B) documentary stamps, transfer taxes, or recording fees; and
  - (C) buyers' premiums;

(2) the buyer's settlement charges are excluded from the prohibition of subsection (1).

(c) Sale Without Objection. If no timely written objection is filed, the sale shall be deemed authorized upon expiration of the notice period. This paragraph does not apply to sales free and clear of liens or of interests of persons other than the debtor.

(d) Clerk's Certificate. Upon payment of the appropriate fee, the Clerk will furnish a certificate that no objection has been filed to a notice of sale.

**RULE 6006-1      EXECUTORY CONTRACTS - UNEXPIRED LEASES**

(a) Notice Required. Parties seeking the assumption, rejection, or assignment of an executory contract or unexpired lease must give notice of the proposed action to: (1) the other party to the executory contract or unexpired lease; (2) any official committee, or in the absence of a committee, to the holders of the ten (10) largest unsecured claims taken from debtor's list filed pursuant to Federal Bankruptcy Rule 1007(d) or Schedule F; (3) the trustee; (4) the United States Trustee; and (5) all parties requesting notice. The notice must state that the court may rule upon the request without a hearing if there is no timely request for a hearing.

(b) Motion to Reject a Collective Bargaining Agreement. A party moving to reject a collective bargaining agreement must file the following with the motion:

(1) an affidavit demonstrating compliance with Bankruptcy Code § 1113(b); and

(2) a certificate of service that the moving party has served the motion and affidavit on the authorized representative of the employees covered by the collective bargaining agreement.

#### **RULE 6070-1      TAX REFUNDS**

The provisions of this Rule are limited to the Internal Revenue Service and the Maryland Comptroller of the Treasury, Income Tax Division, herein referred to as the "Tax Authorities."

(a) Authority to Make Refunds. Unless otherwise directed by the trustee or the court, after thirty (30) days have elapsed from the conclusion of the meeting of creditors held pursuant to § 341 of the Bankruptcy Code, the Tax Authorities are authorized to make an income tax refund in the ordinary course of business to: (1) individual debtors in cases filed under Chapter 7, and (2) the debtor in cases filed under all other chapters.

(b) Notice to Trustee and Court. It is the duty of the debtor, within five (5) days of receipt of a tax refund or notice of tax assessment or deficiency, to file with the court, and in Chapter 7 cases to send to the trustee, a copy of the refund check and transmittal letter and a copy of any tax assessment, deficiency notice, or other relevant documents.



## **PART VII**

### **RULE 7001-1 TRUSTEES' FILING FEES**

Payment of the filing fee for an adversary proceeding filed by a trustee may be deferred pending acquisition of sufficient funds by the trustee to pay such fees in full or pro rata with other expenses of administration.

### **RULE 7003-1 ADVERSARY COVER SHEET**

A party filing an adversary proceeding complaint must file a completed adversary proceeding cover sheet. A party filing a complaint under 28 U.S.C. § 157(b)(5) must file both an adversary proceeding cover sheet and a district court cover sheet.

### **Rule 7003-2 DISCLOSURE OF CORPORATE AFFILIATES**

Each non-governmental corporate party to an adversary proceeding in this court shall file a statement identifying all its parent corporations and listing every publicly held company that owns 10% or more of the party's stock. A party shall file the statement with its initial pleading filed in the court and shall supplement the statement within a reasonable time of any change in the information.

### **RULE 7005-1 FILING OF DISCOVERY MATERIALS**

Unless otherwise ordered by the court, a party may not file with the court either written discovery requests, responses to

discovery or depositions (other than as exhibits to motions). A party propounding written discovery or taking a deposition or providing a discovery response must file a notice stating: (a) the type of discovery or response served; (b) the date and type of service; and (c) the person(s) served. Parties must retain the original copies of the discovery materials and make them available for inspection by any other party.

#### **RULE 7012-1 CORE OR NON-CORE MATTERS**

(a) Prior to trial a party may move for a ruling that an adversary proceeding is core or non-core. The court will ordinarily allow adverse parties fourteen (14) days from the service of the motion to file responses. Such a motion does not postpone any time periods unless ordered by the court.

(b) At any time before the conclusion of a matter on the merits, a party to a proceeding may file a consent to the entry of a final order by the Bankruptcy Court under 28 U.S.C. § 157(c)(2).

#### **RULE 7012-2 DISCLOSURE OF CORPORATE AFFILIATES**

Local Bankruptcy Rule 7003-2 applies to responding parties.

#### **RULE 7016-1 PRETRIAL PROCEDURES**

(a) General. The court can, in any adversary proceeding or contested matter, direct the attorney for a party or a party appearing pro se to appear before it for a preliminary scheduling or pretrial conference pursuant to Federal Bankruptcy Rule 7016.

(b) Pretrial Statement. Where required by court order, each party will file a pretrial memorandum, with copies sent to all other attorneys of record or parties proceeding pro se. Each party must state the following in its pretrial memorandum:

(1) a brief statement of facts that the party proposes to prove in support of a claim or defense, together with a statement of legal theories and citations of authorities;

(2) any required pleading amendments;

(3) any pleaded, but abandoned issue;

(4) stipulations of fact;

(5) the details of the damage claimed or any other relief sought;

(6) a list of the documents and records to be offered in evidence by the party at the trial other than those expected to be used solely for impeachment, indicating which documents the party expects to introduce in evidence without the usual authentication; and

(7) a list of the names and specialties of experts that the party proposes to call as witnesses;

(8) a statement of any matter that must be resolved before trial.

(c) Required Pre-Filing of Exhibits.

(1) Adversary Proceedings and Chapter 11 Lift Stays. In all adversary proceedings and in motions seeking relief from stay in Chapter 11 cases, each party must pre-file all exhibits which that party intends to introduce into evidence,

except for exhibits to be offered solely for rebuttal. Each party must include in the pre-filed exhibits any report by an expert whom the party may call as a witness or, if no report has been prepared, an affidavit by such expert as to the expert's direct testimony. The exhibits must be filed and received by the opposing parties within the time limits set in the scheduling order. In adversary proceedings, if opposing parties do not file written objections to pre-filed exhibits by the time specified in the scheduling order, the exhibits will be admitted into evidence.

(2) Method of Pre-filing of Exhibits. All pre-filed exhibits must be filed within the time limits set in the scheduling order by submission of an original and two (2) copies. Each set of exhibits must be bound or affixed together and must have at the beginning an exhibit list identifying each exhibit by number. Each exhibit must be tabbed by exhibit number. An additional copy must be furnished to each other party in the matter.

(3) Size. To the extent possible, all exhibits must be reduced to 8-1/2 by 11 inches.

(4) Failure to Pre-file Exhibits. Exhibits that are not pre-filed as required by this Rule may be excluded from evidence.

(d) Proof of Amount of Claim or Debt.

(1) Required Verified Statement. In all adversary proceedings and all contested matters, a party seeking to

prove the amount of a liquidated debt must offer as an exhibit an affidavit setting forth the amount of the alleged claim or debt, itemized by component, unless the information is contained in a previously filed pleading in the matter and verified pursuant to 28 U.S.C. § 1746. The declarant must be present in the courtroom for cross-examination, or an objection made pursuant to Federal Rule of Evidence 802 may be sustained.

(2) Pre-filing Requirement. In adversary proceedings and Chapter 11 motions for relief from stay, the required affidavit or verified pleading must be pre-filed as an exhibit, in accordance with subsections (d)(1) of this Rule.

#### **RULE 7026-1      DISCOVERY   -   GENERAL**

(a) Discovery Request Limits. A party may not serve on any other party in a contested matter or an adversary proceeding more than thirty (30) interrogatories, more than thirty (30) requests for production, and thirty (30) requests for admissions, including all parts and sub-parts.

(b) Timely Written Discovery Requests Required. All discovery requests must be made at a sufficiently early date to assure that the time for response expires before any discovery deadlines set by the court.

(c) Discovery to Proceed Despite Existence of Disputes. Unless otherwise ordered by the court, a discovery dispute as to one matter does not justify delay in taking or responding to any other discovery.

(d) Discovery Stayed Pending Resolution of Federal Bankruptcy Rule 7012(b) Motion. The filing of a motion pursuant to Federal Bankruptcy Rule 7012(b) stays discovery unless the movant presents matters outside the pleading.

(e) Format of Responses. Responses to discovery must restate each request followed by the response or a brief statement of the grounds for objection.

(f) Conference of Counsel Required. Counsel must confer concerning a discovery dispute and make good faith attempts to resolve their differences. The court will not entertain to resolve a discovery dispute unless the moving party has filed a certificate stating:

(1) the date, time, and place of the discovery conference, the names of all persons participating and any unresolved issues remaining; or

(2) the moving party's attempts to hold such a conference without success.

(g) Smoking During Depositions Prohibited. Unless all persons present agree, no one can smoke in a room where a deposition is being taken.

(h) Depositions of Experts. The party taking the deposition of an expert shall pay a reasonable fee for the time spent by the expert in deposition and traveling to and from the deposition. The party designating the expert will pay any fee charged by the expert for time spent in preparing for the deposition.

(i) Discovery Guidelines. Discovery Guidelines adopted by the court and set forth in [Appendix C](#) govern the conduct of discovery.

**RULE 7054-1 ALLOWANCE OF COSTS**

No costs will be allowed in adversary proceedings in excess of filing fees unless the entitled party files a Bill of Costs within twenty (20) days after the entry of the judgment or order.

**RULE 7054-2 ATTORNEYS' FEES**

Unless a longer period is fixed by statute or by the court, motions by a prevailing party for an award of attorney's fees must be filed within twenty (20) days after the entry of judgment or order.

**RULE 7055-1 DEFAULT - FAILURE TO PROSECUTE**

(a) Clerk's Notice. If, upon the expiration of six (6) months after the filing of the last pleading, it appears to the Clerk that no significant activity has since occurred in an adversary proceeding or contested matter in which there is no scheduled hearing, the Clerk will send written notice to all parties to the adversary proceeding or contested matter that the proceeding or matter will be denied or dismissed without prejudice unless, within thirty (30) days after the date of the notice, the plaintiff or movant presents good and sufficient cause in writing why the dismissal or denial should not be ordered.

(b) Court Action. If there is no response to the Clerk's notice, an order of dismissal or denial may be entered.



**PART VIII**

**RULE 8001-1      APPEALS**

[See Appendix B.](#)

## **PART IX**

### **RULE 9001-1      DEFINITIONS AND RULES OF CONSTRUCTION**

(a) Definitions in Federal Bankruptcy Rules. The definitions of words and phrases in Federal Bankruptcy Rule 9001 and the definitions adopted by reference therein apply in these Local Bankruptcy Rules.

(b) Rules of Construction. The rules of construction contained in Bankruptcy Code § 102 apply to these Local Bankruptcy Rules.

(c) Bankruptcy Code. In these Local Bankruptcy Rules, reference to the Bankruptcy Code means title 11 of the United States Code.

(d) Federal Bankruptcy Rules. Reference to Federal Bankruptcy Rule(s) means the Federal Rules of Bankruptcy Procedure.

(e) District Court. In these Local Bankruptcy Rules, reference to the District Court means the United States District Court for the District of Maryland.

(f) File. Where the word "file" appears in these Local Bankruptcy Rules, such filing is to be made with the appropriate divisional office of the Clerk of the United States Bankruptcy Court for the District of Maryland.

### **RULE 9009-1      LOCAL BANKRUPTCY FORMS**

The Local Bankruptcy Forms prescribed in these Rules are set out in [Appendix A](#). They shall be observed and used with alterations as may be appropriate.

**RULE 9010-1      PRO SE PARTIES**

(a) Who May Appear Pro Se. Only individuals may represent themselves.

(b) Responsibilities of Parties Appearing Pro Se. Individuals representing themselves are responsible for performing all duties imposed on counsel by the Bankruptcy Code, the Federal Bankruptcy Rules, these Rules, and applicable federal or state law.

**RULE 9010-2      CURRENT INFORMATION**

(a) Duty to Keep Current Information on File. Counsel and parties appearing pro se must file and maintain a statement of current address and telephone number in every case in which such person appears. This obligation continues until the case is closed.

(b) Excusable Neglect. Should any person fail to maintain a current address with the Clerk and as a result, either for lack of response or lack of an appearance, the court enters an order dismissing any affirmative claim for relief or enters a judgment by default or otherwise against such person or such person's client, the failure to maintain a current address shall not be considered excusable neglect.

**RULE 9010-3      ATTORNEYS - WHO MAY APPEAR AS COUNSEL**

(a) Generally. Except as otherwise provided in this Rule only members of the Bar of the District Court may appear as counsel.

(b) Admission Pro Hac Vice.

(1) The court can permit any attorney (except a member of

the Maryland Bar) who is a member in good standing of the Bar of any other United States Court or of the highest court of any state to appear and participate as counsel in a particular bankruptcy case. Such permission will not constitute formal admission to the Bar of the District Court. An attorney admitted pro hac vice is subject to the disciplinary jurisdiction of the District Court and of this court.

(2) A party represented by an attorney who has been admitted pro hac vice must also be represented by an attorney who is a member of the Bar of the District Court.

(3) The application for admission pro hac vice shall conform to Local Bankruptcy Form F.

(c) Certain Actions Not Requiring Admission. An attorney need not be admitted to the Bar of the District Court in order to file a proof of claim for a client or to file a fee application as principal of a professional group.

(d) Appearance for Obtaining Deposition Subpoenas. It is not necessary for counsel to be admitted to the Bar of the District Court in order to obtain a subpoena for depositions to be taken in this district for cases pending in other districts. However, an attorney seeking such a subpoena is subject to the disciplinary jurisdiction of the District Court and of this court.

**RULE 9010-4      WITHDRAWAL OF APPEARANCE OF AN ATTORNEY**

(a) When Individuals are Clients.    If the client is an individual, appearance of counsel may be withdrawn only with leave of court and if:

(1) appearance of other counsel has been entered or

(2) withdrawing counsel files a certificate stating:

(A) the name and last known address of the client  
and

(B) that a written notice has been mailed to or otherwise served upon the client at least five (5) days previously advising the client of counsel's proposed withdrawal and notifying the client either to have new counsel enter an appearance or to advise the Clerk that the client will be proceeding without counsel.

(b) When Clients Are Other Than Individuals.    If the client is other than an individual, including corporations, partnerships, unincorporated associations and government entities, appearance of counsel may be withdrawn only with leave of court and if:

(1) appearance of other counsel has been entered or

(2) withdrawing counsel files a certificate stating:

(A) the name and last known address of the client  
and

(B) that a written notice has been mailed to or otherwise served upon the client at least five (5) days previously advising the client of counsel's proposed withdrawal and notifying the client that it must have new

counsel enter an appearance or be subject to dismissal of its case, dismissal of its claims and/or judgment by default on claims against it. If new counsel has not entered an appearance within twenty (20) days after the filing of the motion to withdraw, and if the court grants the motion to withdraw, the court may dismiss an affirmative claim for relief by, or enter a default against, the unrepresented party.

**RULE 9010-5      ATTORNEYS FOR DEBTORS - DUTIES**

(a) An attorney who files a petition in bankruptcy on behalf of a debtor, or who subsequently enters an appearance on behalf of a debtor other than as special counsel approved under Bankruptcy Code § 327(e), will be counsel of record in all matters arising during the administration of the case, such as adversary proceedings and motions for relief from stay, except as set forth below:

(b) In an individual case commenced under or converted to Chapter 7, representation will continue through discharge and continue as to any matter pending at the time of the discharge. However, an attorney representing an individual debtor may exclude adversary proceedings provided that debtor's written acknowledgment of this limitation is filed with counsel's Federal Bankruptcy Rule 2016(b) statement;

(c) In a case under Chapter 11, representation of a debtor will continue until the case is closed or dismissed;

(d) In a case under Chapter [12 or] 13, representation will continue for the earlier of ten (10) days after the entry of an order of dismissal of the case or ninety (90) days after the entry of an order confirming the debtor's plan;

(e) If a case is converted to a case under another chapter, the Rule under the latter chapter governs; and

(f) This Rule supersedes all retainer agreements unless otherwise ordered by the court for cause.

#### **RULE 9011-1      SIGNATURES, FEDERAL BAR NUMBER**

This Rule augments Federal Bankruptcy Rule 9011. An individual signing pleadings must state the signer's printed name, post office and business address and telephone number. If the signer is an attorney admitted to practice before the United States District Court for the District of Maryland, the attorney shall include his or her federal bar number as listed on the Attorney Admission List.

#### **Rule 9013-1      MOTIONS PRACTICE**

(a) Requirement of Written Motion. All motions must be in writing and filed with the court, unless made during a hearing or trial.

(b) Procedure for Motions Other Than Motions for Relief from Stay and Motions to Avoid Liens.

(1) All motions must state with particularity the grounds therefor and the relief or order sought. Supplementing Local

Bankruptcy Rule 9013-3 as to moving parties, responding parties must file with the court, at the time of filing a response, a proposed order stating the requested disposition.

(2) Parties may file with or append to their motion and memorandum, or to their responsive pleading and opposing memorandum, supporting affidavits or documents establishing the elements of entitlement to the relief sought or any defense.

(3) Any responsive pleading and memorandum in opposition to a motion must be filed within fourteen (14) days from the date of service of said motion.

(4) Except as otherwise provided in the Bankruptcy Code, the Federal Bankruptcy Rules, these Rules or by the court, a motion can be decided on the pleadings and memoranda filed.

#### **RULE 9013-2      BRIEFS AND MEMORANDA OF LAW**

A party must file with each motion a brief memorandum of fact and law entitling the movant to the relief claimed or a statement that no memorandum will be filed and that the movant will rely solely upon the motion.

#### **RULE 9013-3      ORDERS - PROPOSED**

All requests for relief, except motions to dismiss or convert and pleadings initiating adversary proceedings under Federal Bankruptcy Rule 7001, must be accompanied by proposed order. The proposed order must contain a specific title describing the nature



and effect of the order. The names and addresses of all counsel or other parties in interest who should receive copies of the order shall be set forth in the lower left-hand corner of the final page of the proposed order or carried over to another page. The chapter of the case shall be stated in the caption.

**RULE 9013-4      CERTIFICATE OF SERVICE**

(a) Any required certificate of service for a pleading, notice, objection or other paper must be in compliance with Federal Rule of Civil Procedure 5 and applicable provisions of the Federal Bankruptcy Rules.

(b) The certificate shall be placed at the end of the item served and endorsed by an attorney of record, the attorney's authorized agent, or by a party if not represented by an attorney.

(c) The certificate must state:

- (1) the date and method of service;
- (2) the names and addresses of the persons served; and
- (3) if persons are served in a representative capacity, the parties whom they represent.

(d) It is the obligation of an attorney or party that files a pleading to determine every party with a cognizable interest in the pleading that should receive a copy and the current address of each. A certificate of service by an attorney, the attorney's authorized agent, or party constitutes a representation to the court by the attorney and party that all such parties have been served properly. A violation of this paragraph (d) shall be subject to an appropriate sanction.

(e) It is the obligation of an attorney or party filing a motion to review any notice of a hearing on that motion prepared by the Clerk and to communicate any deficiency in the notice and any omission in the list of parties receiving notice to the Clerk forthwith.

**RULE 9014-1      DISCOVERY**

The initial disclosures required by Federal Bankruptcy Rule 7026(a) are not applicable to contested matters, unless the court directs otherwise.

**RULE 9014-2      DEFAULT AND DISMISSAL FOR NON-PROSECUTION**

Local Bankruptcy Rule 7055-1 applies in contested matters.

**RULE 9015-1      TIME FOR FILING CONSENT TO HAVE JURY TRIAL  
CONDUCTED BY BANKRUPTCY JUDGE**

A statement of consent to have a jury trial conducted by a bankruptcy judge under 28 U.S.C. § 157(e) must be filed before the conclusion of the initial pretrial conference.

**RULE 9019-1      SETTLEMENTS AND AGREED ORDERS**

(a) Order. Subject to the requirements of Federal Bankruptcy Rules 2002(a)(3), 4001(d), and 9019, when the court is advised by the moving party that an adversary proceeding or contested matter has been settled, the court can enter an order dismissing the adversary proceeding or contested matter and providing for the payment of costs. Such an order of dismissal will be without

prejudice to the right of a party to move for good cause to reopen the proceeding or matter within a reasonable time after settlement should have occurred if the settlement is not consummated. Alternatively, the court, upon notification by counsel that a proceeding or matter has been settled, can require counsel to submit, within ten (10) days, a proposed order providing for the settlement, in default of which the court can enter judgment or other appropriate order.

(b) Complete Disposition. An order entered pursuant to this Rule has the effect of noting the settlement of the entire adversary proceeding or contested matter, including all claims, counterclaims, third-party claims, and cross-claims, unless otherwise stated.

#### **RULE 9019-2     ALTERNATIVE DISPUTE RESOLUTION**

A Bankruptcy Dispute Resolution Program ("BDRP") will be maintained and available to facilitate the resolution of disputes.

The BDRP is to operate in such a way as to allow the participants to use a variety of alternative dispute resolution methods. These methods may include but are not limited to: mediation, negotiation, early neutral evaluation and settlement facilitation. The specific method or methods employed will be those that are appropriate, as determined by the Resolution Advocate and the parties.

(a) Cases Eligible for Inclusion in the BDRP. All controversies arising in an adversary proceeding, contested matter, or other dispute in a bankruptcy case, will be eligible for referral to the BDRP except:

- (1) Employment and compensation of professionals;
- (2) Compensation of trustees and examiners;
- (3) Objections to discharge under 11 U.S.C. § 727, except where such objections are joined with disputes over dischargeability of debts under 11 U.S.C. § 523; and
- (4) Matters involving contempt or other types of sanctions.

(b) Panel of Resolution Advocates. The court shall will maintain a panel of professionals (the "Panel") who have volunteered to serve as Resolution Advocates to assist in resolution of matters referred to the BDRP.

(1) An application to serve as a member of the Panel (see [Local Bankruptcy Form J-1](#)) must be submitted to the BDRP Administrator by the deadlines established by the court each year.

(2) In order to qualify for service as a Resolution Advocate, each applicant must certify that the applicant is willing, (A) to serve as a Resolution Advocate for a minimum of one year, and (B) to evaluate or mediate pro bono matters not more often than once in six (6) months, subject only to unavailability due to conflicts, personal or professional commitments, or other matters that would make service inappropriate;

(3) The Applicant may indicate the Applicant's availability to act as a Compensated Resolution Advocate in addition to the unpaid services described in paragraph (2)

above. The Applicant should state the rates the Applicant would charge for such services;

(4) The court may limit panel membership to keep the Panel at an appropriate size and to ensure that the Panel is comprised of individuals with broad-based experience, superior skills and qualifications.

(c) Administration of the BDRP. A judge of this court will be appointed by the Chief Judge to serve as the BDRP Administrator. The BDRP Administrator will be aided by a staff member of the court, who will collect applications, maintain the roster of the Panel, track and compile results of the BDRP, and handle such other administrative duties as are necessary.

(d) Assignment to Dispute Resolution.

(1) If requested in writing by the parties, a contested matter, adversary proceeding, or other dispute (hereinafter collectively referred to as "Matter" or "Matters") may be assigned to the BDRP by order of the court.

(2) While as a general rule participation in the BDRP is voluntary, any judge, acting sua sponte or on the request of a party, may designate specific Matters for inclusion in the program.

(3) If a Matter is assigned to the BDRP, the parties will be presented with the order assigning the Matter to the BDRP and a current roster of the Panel. The parties will be given the opportunity to confer and designate a mutually acceptable Resolution Advocate as well as an alternate Resolution Advocate.

(4) With the consent of the Judge, the parties may select a Resolution Advocate who is not a member of the Panel, who shall be subject to the applicable provisions of this Rule.

(5) If the parties cannot agree, or if the judge deems selection by the court to be appropriate, the judge will select a Resolution Advocate.

(6) The order assigning a Matter to the BDRP will be [Local Bankruptcy Form J-2](#). The original will be docketed and retained in the case or adversary proceeding file and copies mailed by the party so designated by the judge to the assigned Resolution Advocate, the alternate Resolution Advocate, the BDRP Administrator's staff assistant and to all parties with a cognizable interest in the dispute. Assignment to the BDRP does not alter or affect any time limits, deadlines, scheduling matters or orders in any adversary proceeding, contested matter or other proceeding, unless specifically ordered by the court.

(7) A Resolution Advocate must promptly determine all conflicts or potential conflicts in the same manner as under the applicable rules pertaining to the Resolution Advocate's profession. If the Resolution Advocate's firm has represented one or more of the parties, the Resolution Advocate must promptly disclose that circumstance to all parties in writing. A party who believes that the assigned Resolution Advocate has a conflict of interest may promptly bring the matter to the attention of the Resolution Advocate. If the Resolution Advocate does not withdraw from the assignment, the matter

must be brought to the attention of the court by the Resolution Advocate or any party.

(e) Dispute Resolution Procedures

(1) Within seven (7) calendar days of notification of appointment, the Resolution Advocate shall:

(A) give notice to the parties of the time and place for the BDRP conference, which conference will commence not later than thirty (30) calendar days following the date of appointment of the Resolution Advocate, and which will be held in a suitable neutral setting, such as the office of the Resolution Advocate; and,

(B) circulate for signature the Confidentiality Agreement, Local Bankruptcy Form J-3; or

(C) if the Resolution Advocate is not available to serve in the Matter, notify the parties, the alternate Resolution Advocate, and the BDRP Administrator's staff assistant of that unavailability. The alternate Resolution Advocate will thereafter serve as the Resolution Advocate. Upon written stipulation between the Resolution Advocate and the parties, the BDRP conference may be continued for a period not to exceed thirty (30) days.

(2) Unless modified by the Resolution Advocate, no later than fifteen (15) calendar days after the date of the order assigning a Resolution Advocate, each party must submit a written BDRP statement directly to the Resolution Advocate.

For good cause, the Judge may order a different schedule. The Resolution Advocate must keep a BDRP Statement confidential and not disclose its contents to anyone without express written consent of the party submitting it.

(3) Such statements will not exceed ten (10) pages (not counting exhibits and attachments). While such statements may include any information that would be useful, they must:

(A) identify the person(s), in addition to counsel, who will attend the session as representative of the party with decision making authority;

(B) describe briefly the substance of the dispute;

(C) address whether there are legal or factual issues whose early resolution might appreciably reduce the scope of the dispute or contribute significantly to settlement;

(D) identify the discovery that could contribute most to equipping the parties for meaningful discussions;

(E) set forth the history of past settlement discussions, including disclosure of prior and any presently outstanding offers and demands;

(F) make an estimate of the cost and time to be expended for further discovery, pretrial motions, expert witnesses and trial;

(G) indicate presently scheduled dates for further status conferences, pretrial conferences, trial or otherwise; and



(4) Parties may identify in the BDRP statements persons connected to a party opponent (including a representative of a party opponent's insurance carrier) whose presence at the BDRP conference would improve substantially the prospects for making the session productive; the fact that a person has been so identified, will not, by itself, result in an order compelling that person to attend the BDRP conference. A separate motion and court order are required.

(5) Parties must attach to their written BDRP statements copies of documents out of which the dispute has arisen, e.g., contracts and those documents whose availability would materially advance the purposes of the BDRP conference.

(6) The BDRP statements shall not be filed. The court shall not have access to them.

(7) Counsel for each party who is primarily responsible for the Matter (or the party, where proceeding in pro se) will personally attend the BDRP conference and any adjourned sessions of that conference. Counsel for each party must come prepared to discuss resolution of the Matter in detail and in good faith.

(8) All individual parties, and representatives with authority to negotiate and to settle the Matter on behalf of parties other than individuals, shall attend the BDRP conference in person, unless excused by the Resolution Advocate for cause. A party or lawyer who is excused from appearing in person at the BDRP conference may be required to participate by telephone.

(9) Willful failure to attend the BDRP conference, or other violations of this Rule, shall be reported to the court by the Resolution Advocate and may result in the imposition of sanctions by the court.

(10)(A) All written and oral communications made in connection with or during any BDRP conference, including the BRRP statements, will be subject to all protections afforded by Fed. R. Evid. 408. — No such communication may be used in any present or future proceeding for any purpose. Nevertheless, if all of the parties to the BDRP and the Resolution Advocate agree in writing, such communications may be disclosed. Notwithstanding the foregoing, this paragraph 10(A) does not require the exclusion of any evidence:

(i) otherwise discoverable, merely because it is presented in the course of a BDRP conference; or

(ii) offered for another purpose, such as providing bias or prejudice of a witness, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

(B) Nothing in this section (e) will be construed to prevent parties, counsel or Resolution Advocates from responding in absolute confidentiality, to inquiries or surveys by persons authorized by this court to evaluate the BDRP. Nor will anything in this section be construed to prohibit parties from entering into written agreements

resolving some or all of the Matter or entering or filing procedural or factual stipulations based on suggestions or agreements made in connection with a BDRP conference.

(11) If the Resolution Advocate makes any oral or written suggestions as to the advisability of a change in any party's position with respect to settlement, the attorney for that party must promptly transmit that suggestion to the client.

(12) The Resolution Advocate has no obligation to make any written comments or recommendations, but may, as a matter of discretion, provide the attorneys for the parties with a written settlement recommendation memorandum. No copy of any such memorandum will be filed with the clerk or made available in whole or in part, directly or indirectly, to the court.

(13) The BDRP conference will proceed informally. Rules of evidence do not apply. There will be no formal examination or cross-examination of witnesses. Where necessary, the Resolution Advocate may conduct continued BDRP conferences after the initial session. As appropriate, the Resolution Advocate may:

(A) permit each party (through counsel or otherwise) to make an oral presentation of its position;

(B) help the parties identify areas of agreement and, where feasible, enter stipulations;

(C) assess the relative strengths and weaknesses of the parties' contentions and evidence, and explain as carefully as possible the reasoning of the Resolution Advocate that supports these assessments;

(D) assist the parties, through separate consultation or otherwise, in settling the dispute;

(E) estimate, where feasible, the likelihood of liability and the dollar range of damages;

(F) help the parties devise a plan for sharing the important information and/or conducting the key discovery that will equip them as expeditiously as possible to participate in meaningful settlement discussions or to posture the case for disposition by other means; and

(G) determine whether some form of follow-up to the conference would contribute to the case development process or to settlement.

(f) Procedure Upon Completion of Dispute Resolution Session.

Upon the conclusion of the BDRP conference, the following procedure will be followed:

(1) If the parties have reached an agreement regarding the disposition of the Matter, the parties, with the advice of Resolution Advocate, will determine who will prepare the writing to dispose of the Matter, and they may continue the BDRP conference to a date convenient to all parties and the Resolution Advocate as necessary. Where required by provisions of the Bankruptcy Code or other applicable law, they must promptly submit the fully executed stipulation to the court for approval. Where court approval is not required, the written agreement disposing of the matter will be enforceable pursuant to applicable law.

(2) The Resolution Advocate must file with the court and serve on the parties and the BDRP Administrator's staff assistant, within ten (10) calendar days, Local Bankruptcy Form J-4, showing whether there has been compliance with the BDRP conference requirements of this Rule, and whether or not a settlement has been reached. Regardless of the outcome of the BDRP conference, the Resolution Advocate will not provide the court with any details of the substance of the conference; and

(3) In order to assist the BDRP Administrator in compiling useful data to evaluate the BDRP, and to aid the court in assessing the efforts of the members of the Panel, the Resolution Advocate will provide the BDRP Administrator's staff assistant with an estimate of the number of hours spent in the BDRP conference and otherwise on the matter, which report must be on [Local Bankruptcy Form J-5](#).

(g) Compensated Resolution Advocacy. In addition to serving as a Resolution Advocate on a pro bono basis, a panel member may act as a Compensated Resolution Advocate ("CRA") in other matters.

(1) The CRA will be appointed as set-forth above in this Rule, but the appointing Order will set-forth the terms of the CRA's engagement.

(2) If the CRA is to receive compensation from the bankruptcy estate,

(A) a notice shall be filed setting forth the identity of the Resolution Advocate (whether or not on

the panel) and the terms and conditions of compensation (including hourly rate) with a right to object/comment on such terms and conditions, subject to such time limitations as the Judge deems reasonable under the circumstances;

(B) if the proposed compensation to the Resolution Advocate is \$3,000.00 or less, there is no need for further court order to authorize payment to the Resolution Advocate;

(C) if the proposed compensation to the Resolution Advocate is proposed to be more than \$3,000.00, a notice for an award of final compensation shall be filed by or on behalf of the Resolution Advocate and served as an application under Bankruptcy Rule 2002(a)(6) with an opportunity for parties to object/comment within twenty (20) days after the filing of the notice; however, the inability of the BDRP to result in a settlement/stipulation shall not be a factor to be used in awarding less compensation than would be allowed based on an application of the terms and conditions of compensation upon retention of the Resolution Advocate; and

(D) the estate's share of such compensation shall be an administrative claim against the estate.

(3) Unless the appointing order provides for compensation solely by the bankruptcy estate, no CRA will be appointed without the consent of all parties to the controversy submitted to the BDRP.

**RULE 9029-1      LOCAL BANKRUPTCY RULES - GENERAL**

Any judge of this court can suspend or modify a requirement or provision of any of these Rules in a particular case, adversary proceeding or contested matter on the court's own motion or on motion of a party.

**RULE 9033-1      PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW  
IN NON-CORE PROCEEDING**

When a party has objected to proposed findings or conclusions pursuant to Federal Bankruptcy Rule 9033(b), for the purpose of preparing the record and identifying the issues for the District Court, the parties will follow the procedures set forth in Federal Bankruptcy Rule 8006 by treating the objection(s) as an appeal. The bankruptcy judge may order the designated extract supplemented.

**RULE 9036-1      NOTICE BY ELECTRONIC TRANSMISSION**

In addition to methods of notice available under the Federal Bankruptcy Rules, notice may be given by hand-delivery or facsimile transmission, except that the Clerk shall not accept for filing any facsimile transmission. All notices given by facsimile transmission shall be followed by hard copy notice with original signature mailed by the next business day.

**RULE 9070-1 EXHIBITS**

(a) Pending Appeal. From the conclusion of a hearing or trial to the expiration of the time within which to file a notice of appeal or, in the event that an appeal is taken, until the transmission of the record to the District Court, the Clerk will retain all documentary exhibits except ones of unusual bulk or weight. Documents of unusual bulk or weight and all non-documentary exhibits will remain in the custody of the attorney presenting them, who (1) will permit inspection of them by counsel for another party for the purpose of preparing the record on appeal, (2) will be responsible for their safekeeping, and (3) if requested, will send them to the appellate court.

(b) Upon Termination of Action. Upon the closing of a contested matter or adversary proceeding, the Clerk will send a notice to all counsel advising counsel to remove, within thirty (30) days, all trial and hearing exhibits and all sealed materials that counsel presented at any time during the pendency of the contested matter or adversary proceeding. If a party fails to retrieve exhibits within thirty (30) days, the exhibits will be discarded by the Clerk.



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NOTICE OF FILING OF CASE IN BANKRUPTCY COURT

IN THE \_\_\_\_\_ COURT FOR  
\_\_\_\_\_ COUNTY, \_\_\_\_\_

IN RE

VS.

Civil No. \_\_\_\_\_

-----

NOTICE OF FILING OF CASE IN BANKRUPTCY COURT

You are hereby notified of the filing of a case in the \_\_\_\_\_  
Division of the United States Bankruptcy Court for the District of Maryland for  
the following debtor(s):\_\_\_\_\_.  
The bankruptcy Case No. is \_\_\_\_\_. It is a case under  
Chapter \_\_\_\_\_ filed on \_\_\_\_\_. The case is now pending.

\_\_\_\_\_  
Attorney for Debtor(s)

Name:\_\_\_\_\_

Address:\_\_\_\_\_

\_\_\_\_\_  
Tel. No.\_\_\_\_\_

OR

\_\_\_\_\_  
Debtor(s), if Pro Se

Name:\_\_\_\_\_

Address:\_\_\_\_\_

\_\_\_\_\_  
Tel. No.\_\_\_\_\_

OR

\_\_\_\_\_  
Attorney for Petitioning Creditor(s)

Address:\_\_\_\_\_

Tel. No.\_\_\_\_\_

\_\_\_\_\_  
Petitioning Creditor(s)

\* \* \* \* \*

I hereby certify that copies of the foregoing Notice of Filing of  
Bankruptcy Case were mailed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to the  
Judge of this court assigned this case and to the following counsel of record:

\_\_\_\_\_  
Signature of Affiant

## APPENDIX A

NOTICE OF MOTION FOR RELIEF FROM STAY  
AND HEARING THEREON

Local Bankruptcy Form B

**CERTIFICATE OF SERVICE**

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2001,  
copies of the notice and motion for relief from stay were served  
upon the party (parties) whose name(s) and address(es) are listed  
below:

(1)

(2)

(3)

(4)

(5)

(6)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

**NOTE: Service must be made pursuant to Federal Bankruptcy Rule 7004**

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND

APPENDIX A

IN RE: \_\_\_\_\_  
at \_\_\_\_\_  
:  
:  
: Case No. \_\_\_\_\_  
: Chapter \_\_\_\_\_  
Debtor(s) \_\_\_\_\_  
:  
:  
Movant(s) \_\_\_\_\_  
vs. \_\_\_\_\_  
:  
:  
Respondent \_\_\_\_\_  
- - - - - :  
- - - - - :

NOTICE OF DEBTOR(S)' MOTION  
TO AVOID LIEN PURSUANT TO 11 U.S.C. § 522(f)  
AND HEARING THEREON

A motion was filed on behalf of the debtor(s) to avoid a lien held by \_\_\_\_\_ . Your rights may be affected. You should read these papers carefully and discuss them with your lawyer. (If you do not have a lawyer, you may wish to consult one.) A copy of the motion is attached.

If you do not want the court to grant the motion avoiding the lien, or if you want the court to consider your views on the motion, then by \_\_\_\_\_ \* you or your lawyer must file with the Clerk of the Bankruptcy Court a response to the motion explaining your position and mail a copy of the response to:

[movant's attorney's name and address, or movant's name if pro se]

If you mail, rather than deliver, your response to the Clerk of the Court for filing, you must mail it early enough so that the court will receive it by the date stated above.

If you file a timely response to the motion, the hearing on the motion will take place on \_\_\_\_\_, at \_\_\_\_\_, \*\* in Courtroom \_\_\_\_\_, United States Bankruptcy Court, \_\_\_\_\_.

If you or your lawyer do not file and serve a timely response to the motion, the court may find that you do not oppose the relief sought in the motion and may grant or otherwise dispose of the motion before the scheduled hearing date.

DATE: \_\_\_\_\_ \*\*\*

\_\_\_\_\_  
Signature (Attorney or Movant if pro se)

Telephone No. \_\_\_\_\_

[\*] Insert date that is at least **25 days** after the date this notice is mailed.

[\*\*] Insert date and time from list of dates available for judge assigned case that is at least **50 days** after the date of this notice.

[\*\*\*] Insert date notice served.

Local Bankruptcy Form C

**CERTIFICATE OF SERVICE**

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2001,  
copies of the notice and motion to avoid lien were served upon the  
Respondent c/o the name and at the address set forth below.

(1)

(2)

(3)

(4)

(5)

(6)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

**NOTE: Service must be made pursuant to Federal Bankruptcy Rule 7004**

## UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF MARYLAND

IN RE:

:

:

Case No. \_\_\_\_\_

:

Chapter \_\_\_\_\_

:

Debtor(s) \_\_\_\_\_ Adversary proceeding No. \_\_\_\_\_

F I N A N C I A L   S T A T E M E N T

<u>MONTHLY INCOME</u>		<u>MONTHLY EXPENSES:</u>	Party	Children	Expenses Now Paid by Spouse
GROSS:	\$ _____	Rent	_____	_____	_____
LESS DEDUCTIONS:		House Payment	_____	_____	_____
Federal Tax	_____	Utilities: Heat	_____	_____	_____
State Tax	_____	Gas & Light	_____	_____	_____
FICA or Retirement	_____	Telephone	_____	_____	_____
All other deductions	_____	Food	_____	_____	_____
		Medical, Dental	_____	_____	_____
		Transportation	_____	_____	_____
NET INCOME:	\$ _____	Insurance: Life	_____	_____	_____
Income from property	_____	Health	_____	_____	_____
Income from any other sources	_____	Auto	_____	_____	_____
		Other	_____	_____	_____
Tax Refund	_____	Child Care Expense	_____	_____	_____
Monies from spouse	_____	Recreation	_____	_____	_____
		Incidentals	_____	_____	_____
		Periodic Pymts. (attach list)	_____	_____	_____
TOTAL MONIES RECEIVED:	_____	TOTAL EXPENSES:	_____	_____	_____

A S S E T SL I A B I L I T I E S

_____	\$ _____	_____	\$ _____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL ASSETS:	\$ _____	TOTAL LIABILITIES	\$ _____

I HEREBY SWEAR OR AFFIRM UNDER THE PENALTIES OF PERJURY  
THAT THE ABOVE FINANCIAL STATEMENT IS TRUE AND CORRECT.

\_\_\_\_\_  
(Party)\_\_\_\_\_  
(Date)

Form B240  
3/99

REAFFIRMATION AGREEMENT  
UNITED STATES BANKRUPTCY COURT

\_\_\_\_\_DISTRICT OF\_\_\_\_\_

Debtor's Name	<u>Bankruptcy Case No</u> Chapter
Creditor's Name and Address	

Instructions: 1) Attach a copy of all court judgements, security agreement, and evidence of their-perfection.  
 2) File all the documents by mailing them or delivering them to the Clerk of the Bankruptcy Court.

**NOTICE TO DEBTOR:**

**This agreement gives up the protection of your bankruptcy discharge for this debt.**

**As a result of this agreement, the creditor may be able to take your property or wages if you do not pay the agreed amounts. The creditor may also act to collect the debt in other ways.**

**You may rescind (cancel) this agreement at any time before the bankruptcy court enters a discharge order or within 60 days after this agreement is filed with the court, whichever is later, by notifying the creditor that the agreement is canceled.**

**You are not required to enter into this agreement by any law. It is not required by the Bankruptcy Code, by any other law, or by any contract (except another reaffirmation agreement made in accordance with Bankruptcy Code § 524 (c)).**

**You are allowed to pay this debt without signing this agreement. However, if you do not sign this agreement and are later unwilling or unable to pay the full amount, the creditor will not be able to collect it from you. The creditor also will not be allowed to take your property to pay the debt unless the creditor has a lien on that property.**

**If the creditor has a lien on your personal property, you may have a right to redeem the property and eliminate the lien by making a single payment to the creditor equal to the current value of the property, as agreed by the parties or determined by the court.**

**LOCAL BANKRUPTCY FORM E**



**This agreement is not valid or binding unless it is filed with clerk of the bankruptcy court. If you were not represented by an attorney during the negotiation of this reaffirmation agreement, the agreement cannot be enforced by the creditor unless 1) you have attended a reaffirmation hearing in the bankruptcy court, and 2) the agreement has been approved by the bankruptcy court. (Court approval is not required if this is a consumer debt secured by a mortgage or other lien on your real estate.)**

#### REAFFIRMATION AGREEMENT

The debtor and creditor named above agree to reaffirm the debt described in this agreement as follows:

##### THE DEBT

Total Amount of Debt When Case was Filed \$ \_\_\_\_\_

Total Amount of Debt Reaffirmed \$ \_\_\_\_\_

Above total includes the following:

Interest Accrued to Date of Agreement \$ \_\_\_\_\_

Attorney Fees \$ \_\_\_\_\_

Late Fees \$ \_\_\_\_\_

Other Expenses or Costs Relating to the  
Collection of this Debt (Describe) \$ \_\_\_\_\_

Annual Percentage Rate (APR) \_\_\_\_\_ %

Amount of Monthly Payment \$ \_\_\_\_\_

Date Payments Start \_\_\_\_\_

Total Number of Payments to be made \_\_\_\_\_

Total of Payments if paid according to schedule \_\_\_\_\_

Date Any Lien Is to Be Released if paid  
according to schedule \_\_\_\_\_

The debtor agrees that any and all remedies available to the creditor under the security agreement remain available.

All Additional Terms Agreed to by the Parties (if any):

---

---

Payments on this debt [were][were not] in default on the date on which this bankruptcy case was filed.

This agreement differs from the original agreement with the creditor as follows:

---

---

CREDITOR'S STATEMENT CONCERNING AGREEMENT AND SECURITY/COLLATERAL  
(IF ANY)

Description of collateral. If applicable, list manufacturer, year and model.

---

Value                                \$ \_\_\_\_\_

Basis or Source for Valuation        \_\_\_\_\_

Current Location and Use of Collateral \_\_\_\_\_

Expected Future Use of Collateral \_\_\_\_\_

Check Applicable Boxes:

Any lien described herein is valid and perfected.

- ☐ This agreement is part of a settlement of a dispute regarding the dischargeability of this debt under section 523 of the Bankruptcy Code (11 U.S.C. § 523) or any other dispute. The nature of dispute is \_\_\_\_\_
- ☐ \_\_\_\_\_

DEBTOR'S STATEMENT OF  
EFFECT ON AGREEMENT ON DEBTOR'S FINANCES

My Monthly Income (take home pay plus any other income received) is \$ \_\_\_\_\_.

My current monthly expenses total \$ \_\_\_\_\_, not including any payment due under this agreement or any debt to be discharged in this bankruptcy case.

I believe this agreement [will][will not] impose an undue hardship on me or my dependents.

DEBTOR'S STATEMENT CONCERNING DECISION TO REAFFIRM

I agree to reaffirm this debt because \_\_\_\_\_

---

I believe this agreement is in my best interest because \_\_\_\_\_

---

I [considered][did not consider] redeeming the collateral under section 722 of the Bankruptcy Code (11 U.S.C. § 722). I chose not to redeem because \_\_\_\_\_

---

I [was][was not] represented by an attorney during negotiations on this agreement.

CERTIFICATION OF ATTACHMENTS

Any documents which created and perfected the security interest or lien [are][are not] attached. [if documents are not attached]: The documents which created and perfected the security interest or lien are not attached because \_\_\_\_\_

---

---

SIGNATURES

\_\_\_\_\_  
(Signature of Debtor)

Date \_\_\_\_\_

\_\_\_\_\_  
(Name of Creditor)

\_\_\_\_\_  
(Signature of Creditor Representative)

Date \_\_\_\_\_

\_\_\_\_\_  
(Signature of Joint Debtor)

Date \_\_\_\_\_

CERTIFICATION BY DEBTOR'S ATTORNEY (IF ANY)

I hereby certify that 1) this agreement represents a fully informed and voluntary agreement by the debtor(s); 2) this agreement does not impose a hardship on the debtor or any dependent of the debtor; and 3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

\_\_\_\_\_  
(Signature of Debtor's Attorney, if any)

\_\_\_\_\_  
Date

**NOTE: EFFECTIVE 7/1/95 - \$50.00 FILING FEE (non-refundable) REQUIRED FOR  
MOTION FOR ADMISSION PRO HAC VICE, PAYABLE TO CLERK, U.S. DISTRICT COURT**

**IN UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
at \_\_\_\_\_**

_____	*	
Plaintiff(s),	*	Bankruptcy Case No. _____
	*	
v.	*	
_____	*	Adversary No. _____
	*	
Defendant(s).	*	

\*\*\*\*\*

**MOTION FOR ADMISSION PRO HAC VICE**

Pursuant to Local Bankruptcy Rule 9010-3(b) of this court, and Local Rule 101.1(b) of the U.S. District Court for the District of Maryland, \_\_\_\_\_, Esquire, a member of the bar of this court, moves the admission of \_\_\_\_\_, Esquire, to appear PRO HAC VICE in the captioned proceeding as counsel for \_\_\_\_\_.

Movant and the proposed admittee respectfully certify as follows:

- 1) The proposed admittee is not a member of the Bar of Maryland.
- 2) The proposed admittee is a member in good standing of the bar(s) of the state(s) of \_\_\_\_\_

\_\_\_\_\_ and/or the following United States Court(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3) During the twelve (12) months immediately preceding the filing of this motion, the proposed admittee has been admitted PRO HAC VICE in this court in the following matters:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4) The proposed admittee has never been disbarred, suspended, or denied admission to practice, or has set forth all relevant facts, including disposition, as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5) The proposed admittee is familiar with the Federal Bankruptcy Rules, the Local Bankruptcy Rules, the Federal Rules of Evidence, and the Maryland Lawyers' Rules of Professional Conduct, and understands that he/she shall be subject to the disciplinary jurisdiction of this court.

6) Co-counsel for the proposed admittee in this proceeding will be the undersigned or \_\_\_\_\_, Esquire, who has been formally admitted to the bar of the U.S. District Court for the District of Maryland.

7) It is understood that admission PRO HAC VICE does not constitute formal admission to the bar of the U.S. District Court for the District of Maryland.

Respectfully submitted,

Movant --

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Office Phone Number: \_\_\_\_\_

Maryland U.S. District Court Number: \_\_\_\_\_

\_\_\_\_\_

Proposed Admittee --

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Office Phone Number: \_\_\_\_\_

**ORDER**

Motion \_\_\_\_\_ Granted

Motion \_\_\_\_\_ Granted subject to payment of \$50.00 filing fee to Clerk of Court

Motion \_\_\_\_\_ Denied

Date: \_\_\_\_\_

\_\_\_\_\_

United States Bankruptcy Judge  
for the District of Maryland

10/22/98 -- Adm-1.2

**(LBF-F page 2)**

**bears lien sought to be avoided)**

# Local Bankruptcy Form G

**CERTIFICATE OF SERVICE**

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2001,  
copies of the notice and motion to avoid lien were served upon the  
Respondent c/o the name and at the address set forth below.

(1)

(2)

(3)

(4)

(5)

(6)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

**NOTE: Service must be made pursuant to Federal Bankruptcy Rule 7004**

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**

at \_\_\_\_\_

**IN RE:**

[illegible]

**CASE NO.** \_\_\_\_\_  
**CHAPTER 13**

**Debtor(s)**

**Movant(s)**

**VS.**

**Respondent(s)**

## ORDER GRANTING MOTION TO AVOID LIEN

Having considered debtor's Motion to Avoid Lien, and any response filed thereto, and it appearing that proper notice has been given, pursuant to 11 U.S.C. § 506 and for the reasons set forth in the case of Johnson vs. Asset Management Group, LLC, 226 B.R. 364 (D. Md. 1998), it is by the United States Bankruptcy Court for the District of Maryland,

ORDERED, that the claim of Respondent be and is hereby deemed wholly unsecured.

ORDERED, that at such time as a discharge Order is entered pursuant to 11 U.S.C. § 1328 in this case, the lien held in favor of Respondent on debtor's real property described as: \_\_\_\_\_, shall be void, and it is further

ORDERED, that the claim of Respondent herein shall be treated as a general unsecured claim under the debtor's plan.

DATE SIGNED:\_\_\_\_\_

United States Bankruptcy Judge  
for the District of Maryland

cc: Trustee  
Debtor(s)  
Debtor(s)' Attorney  
Respondent  
U.S. Trustee



**APPLICATION  
UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MARYLAND  
BANKRUPTCY DISPUTE RESOLUTION PROGRAM PANEL**

Name: \_\_\_\_\_

Office Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Office Phone: \_\_\_\_\_ Office Fax: \_\_\_\_\_

Education: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Professional licenses or memberships and accreditations:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dispute Resolution Training: Yes \_\_\_\_\_ No \_\_\_\_\_

(a) U.S. Bankruptcy Court Training \_\_\_\_\_

(b) Other Training \_\_\_\_\_

\_\_\_\_\_

Experience: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Counties in which you are willing to serve as a Resolution Advocate:

---

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If you are also applying to be a Paid Resolution Advocate, rates charged:

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Additional Information: 

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I hereby certify that the information set-forth above is true and correct.<sup>1</sup> I agree to serve for a minimum of one year and to act as an unpaid Resolution Advocate in matters, not more than once per six months.

---

Date

---

Signature

---

<sup>1</sup> It is the responsibility of the applicant to submit an amended application if any information contained on this application changes.

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MARYLAND**

at \_\_\_\_\_

**In re:**

**Debtor(s)****Plaintiff(s)**

**VS.**

**Defendant(s)**

**Case No.** \_\_\_\_\_

# Chapter \_\_\_\_\_

Adversary No. \_\_\_\_\_

## ORDER APPOINTING RESOLUTION ADVOCATE AND ASSIGNMENT TO THE BANKRUPTCY DISPUTE RESOLUTION PROGRAM

This \_\_\_\_\_ is  
(adversary proceeding)(name of dispute in main case)

hereby assigned to the Bankruptcy Dispute Resolution Program of this district, and the following

are appointed as Resolution Advocate and Alternate Resolution Advocate:

RESOLUTION ADVOCATE:

ALTERNATE:

Name

Name

Address

## Address

City, State, Zip

City, State, Zip

Telephone

Telephone

This matter concerns:

( ) Dischargeability      ( ) Objection to Claim      ( ) Lien Avoidance

( ) Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Special Instruction from the Court:

\_\_\_\_\_

\_\_\_\_\_

**\*\*The attorneys for the parties are:**

Attorney for \_\_\_\_\_;      Attorney for \_\_\_\_\_;

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Telephone

The Parties are to comply with the provisions of Local Bankruptcy Rule 9019-2. All individual parties, and representatives with authority to negotiate and to settle the Matter on behalf of parties other than individuals, must personally attend the BDRP conference unless excused by the Resolution Advocate for cause. Willful failure to attend the BDRP conference and other violations of this order may result in the imposition of sanctions by the court.

**\*\* Use additional pages if there are more than two parties.**

**ORDER**

**IT IS SO ORDERED** and counsel for \_\_\_\_\_

shall mail a copy of this order to the assigned Resolution Advocate, the Alternate Resolution Advocate, and all parties to the dispute and file a proof of such service within five (5) days from the date of this Order.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Judge, U.S. Bankruptcy Court

## Appendix A

### United States Bankruptcy Court District of Maryland Bankruptcy Dispute Resolution Program

#### Confidentiality Agreement

This agreement is to be signed prior to the commencement of the Bankruptcy Dispute Resolution Program Conference (BDRP Conference) by all parties, their counsel and the Resolution Advocate.

All parties agree as follows:

1. All statements made during the BDRP Conference or otherwise in furtherance of the resolution process are protected by and subject to Federal Rule of Evidence 408 and are privileged and are not discoverable. The Resolution Advocate has, however, an affirmative duty to disclose any statements made which relate to the commission of a crime to the appropriate authorities.
2. Information provided and representations made for the first time during or in connection with the resolution process must be considered confidential unless otherwise agreed to in writing by all the parties with the exception of information or representations that relate to a crime.
3. The Resolution Advocate may not be compelled to testify in any civil proceeding as to any information provided or representations made during or in connection with the resolution process.
4. Nothing presented by another party in the course of a BDRP matter may be introduced into evidence or relied upon in any legal or quasi-legal proceeding, except for information, statements or documents relating to the commission of a crime or evidence otherwise admissible under Fed. R. Evid. 408.

**Nonliability of Resolution Advocate:** Toward the desired goal of open and complete communication to enable parties to settle their disputes, all parties agree that the Resolution Advocate will not be held liable for any act or omission connected to the resolution process.

**Breach of Confidentiality Agreement:** In the event of a breach of this confidentiality agreement, the breaching party is liable for all costs, expenses, liabilities and fees including attorneys' fees which the non-breaching party and Resolution Advocate may incur as a result of the breach.

Date \_\_\_\_\_

Resolution Advocate

Parties

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

at \_\_\_\_\_

:

:

:

:

:

•

•

•

•

•

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The parties further agree not to call the Mediator to testify concerning the mediation nor to provide any materials from the Mediation Program in any court or administrative proceeding

between the parties.

In addition, the Mediator will not be compelled to divulge any materials from the Mediation Program or to testify in regard to the mediation in any judicial or other proceeding.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Name of Party)

\_\_\_\_\_  
(Signature of Party)

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Name of Party's Counsel)

\_\_\_\_\_  
(Signature of Party's Counsel)

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Name of Party)

\_\_\_\_\_  
(Signature of Party)

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Name of Party's Counsel)

\_\_\_\_\_  
(Signature of Party's Counsel)

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Name of Mediator)

\_\_\_\_\_  
(Signature of Mediator)

[Attach additional page(s) if necessary.]



**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MARYLAND**

at \_\_\_\_\_

**IN RE:**

[illegible]

Case No. \_\_\_\_\_

# Chapter \_\_\_\_\_

**Debtor(s)****Plaintiff(s)**

**VS.**

Adversary No. \_\_\_\_\_

**Defendant(s)**

# CERTIFICATE RE: BDRP CONFERENCE

1. I hereby certify that pursuant to an Order of Assignment by this Court to the Bankruptcy Dispute Resolution Program dated \_\_\_\_\_, a BDRP Conference was \_\_\_\_\_ was not \_\_\_\_\_ held.

(If Applicable)

Date:\_\_\_\_\_

Continued Date: \_\_\_\_\_

2. A settlement of this matter was \_\_\_\_\_ was not \_\_\_\_\_ reached.

Dated:\_\_\_\_\_

## Resolution Advocate

(Type or Print Name)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MARYLAND

at \_\_\_\_\_

IN RE:

Debtor(s)

Case No. \_\_\_\_\_

Chapter \_\_\_\_\_

Plaintiff(s)

vs.

Adversary No. \_\_\_\_\_

Defendant(s)

**REPORT OF BDRP CONFERENCE**

I, \_\_\_\_\_, Resolution Advocate for the Bankruptcy

Dispute Resolution Program (BDRP), state:

1. A BDRP conference was held on \_\_\_\_\_ at

\_\_\_\_\_(attach attendance form(s)).

(If Applicable) Continued Date: \_\_\_\_\_ at \_\_\_\_\_.

2. The Rules governing the conference were \_\_\_\_\_ were not \_\_\_\_\_ complied

with. If not, how? \_\_\_\_\_

\_\_\_\_\_.

3. A settlement of this matter was \_\_\_\_\_ was not \_\_\_\_\_ reached.

4. If a settlement/resolution was reached, \_\_\_\_\_

(plaintiff/defendant/other), prepared the written stipulation for settlement.

5. Prior to the preparation of a final written agreement, the parties choose to put

the agreement on the court record. Yes \_\_\_\_\_ No \_\_\_\_\_

6. I spent \_\_\_\_\_ hours in preparing for and scheduling the conference(s).

7. I spent \_\_\_\_\_ hours attending the conference(s).

8. The dispute resolution procedure utilized was: (Check as many as applicable.

If more than one is applicable, give the appropriate percentage of time spent on each).

Early Neutral Evaluation \_\_\_\_\_

Settlement Negotiation \_\_\_\_\_

Mediation \_\_\_\_\_

9. Comments/Suggestions: \_\_\_\_\_

---

---

---

Dated: \_\_\_\_\_

\_\_\_\_\_  
Resolution Advocate

\_\_\_\_\_  
(Type or Print Name)

## BDRP SESSION ATTENDANCE FORM

Case Name: \_\_\_\_\_

Case No.: \_\_\_\_\_

Adversary Proceeding Name: \_\_\_\_\_

Adversary Proceeding No.: \_\_\_\_\_

Date of Session: \_\_\_\_\_

Resolution Advocate: \_\_\_\_\_

**Instructions:** Please have **all attorneys and client representatives** who attend the conference(s) provide the following information. The purpose of this information is to facilitate survey research of the value of the BDRP.

### ATTORNEYS

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

Attorney for: \_\_\_\_\_

Attorney for: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

Attorney for: \_\_\_\_\_

Attorney for: \_\_\_\_\_

## CLIENT REPRESENTATIVES

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

Party Representing: \_\_\_\_\_

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

Party Representing: \_\_\_\_\_

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

Party Representing: \_\_\_\_\_

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

Party Representing: \_\_\_\_\_

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

Party Representing: \_\_\_\_\_

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

Party Representing: \_\_\_\_\_

## CROSS-REFERENCE

FEDERAL RULES OF BANKRUPTCY PROCEDURE  
to  
U.S. DISTRICT COURT OF MARYLAND LOCAL RULE

FRBP		LDCR
9029.1	Rules in Bankruptcy Court Proceedings	401
9029.2	Referral of Bankruptcy Cases and Proceedings	402
	Appeals to the District Court	403
8001.1	Manner of Appeal	403.1
8006.1	Dismissal for Non-Compliance with FRBP 8006	403.2
8009.1	Dismissal for Non-Compliance with FRBP 8009	403.3
8005.1	Procedure Re: Motion to Stay Pending Appeal	403.4
8003.1	Bankruptcy Court Certification Re: Interlocutory Appeal	403.5
	Rules of Procedure Under 28 U.S.C. § 1334	404
9029.3	Filing of Pleadings and Papers/General Rule	404.A(1)
5011.1	Withdrawal of Reference of Certain Bankruptcy Proceedings/Filing of Motion for Withdrawal of Reference with Bankruptcy Clerk	404.A(2)(a)
5011.1(a)	Withdrawal of Reference of Bankruptcy Cases	404.A(2)(b)
5011.1(b)	Withdrawal of Reference of Adversary Proceeding or Contested Matter	404.A(2)(c)
5011.1(c) /9027	Filing of Pleadings in Transferred Cases	404.A(3)
1014/9030	Motions Concerning Venue in Bankruptcy Cases and Proceedings	404.B
9015.1 /9029	Jury Trial/Demand	405.(a)
9015.2 /9029	Specification of Issues	405.(b)
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**LOCAL RULES  
U. S. DISTRICT COURT, DISTRICT OF MARYLAND**

**IV. BANKRUPTCY PROCEEDINGS**

**Rule 401. Rules in Bankruptcy Court Proceedings**

Proceedings in the Bankruptcy Court shall be governed by Local Bankruptcy Rules as adopted from time to time by order of the Court.

**Rule 402. Referral of Bankruptcy Cases and Proceedings**

Pursuant to 28 U.S.C. Section 157(a), all cases under Title 11 of the United States Code and proceedings arising under Title 11 or arising in or related to cases under Title 11 shall be deemed to be referred to the Bankruptcy Judges of this District.

**Rule 403. Appeals to the District Court**

**1. Manner of Appeal**

**a. Generally.** Appeals to the District Court from the Bankruptcy Court shall be taken in the manner prescribed in Part VIII of the Bankruptcy Rules, Rules 8001 et. seq.

**b. Bankruptcy Court Opinion as Appendix.** Appellant shall append to appellant's opening brief a copy of the opinion of the Bankruptcy Court that is being appealed from.

**2. Dismissal for Non-Compliance With Bankruptcy Rule 8006**

Whenever the appellant fails to designate the contents of the record on appeal or to file a statement of the issues to be presented on appeal within the time required by Bankruptcy Rule 8006, the Bankruptcy Clerk shall forward forthwith to the Clerk of the District Court a partial record consisting of a copy of the order or judgment appealed from, the notice of appeal, a copy of the docket entries and such other papers as the Bankruptcy Clerk deems relevant to the appeal. (The District Court may thereafter order the Bankruptcy Clerk to transmit any other relevant papers to the Clerk of the District Court). When the partial record has been filed in the District Court the Court may, upon motion of the appellee (which is to be filed in the District Court) or upon its own initiative, dismiss the appeal for non-compliance with Bankruptcy Rule 8006 after giving the appellant an opportunity to explain the non-compliance and upon considering whether the non-compliance had prejudicial effect on the other parties.

### **3. Dismissal for Non-Compliance With Bankruptcy Rule 8009**

Whenever the appellant fails to serve and file a brief within the time required by Bankruptcy Rule 8009, the District Court may, upon motion of the appellee (to be filed in the District Court) or upon its own initiative, dismiss the appeal after giving the appellant an opportunity to explain the non-compliance and upon considering whether the non-compliance had prejudicial effect on the other parties.

### **4. Procedure Re Motion To Stay Pending Appeal**

An appellant seeking a stay pending appeal by the District Court of an order entered by the Bankruptcy Court shall file with the Clerk of the District Court a motion to stay and copies of all papers in the record of the Bankruptcy Court relevant to the appeal. Upon the filing of these papers the Clerk of the District Court shall immediately open a civil file and the District Court shall give immediate consideration to the motion to stay. If the underlying appeal is ultimately perfected, it will be assigned the same civil action number as was assigned to the motion to stay.

### **5. Bankruptcy Court Certification Re Interlocutory Appeal**

Whenever there has been filed in the District Court an application for leave to appeal an interlocutory order of the Bankruptcy Court, the Bankruptcy Court shall, upon request of the District Court, submit to the District Court a written certification stating whether, in its opinion, the interlocutory order involves a controlling question of law as to which there is substantial ground for difference of opinion and whether an immediate appeal of it may materially advance the ultimate termination of the case. The District Court shall thereafter determine whether to grant or deny the application for leave to appeal.

## **Rule 404. Rules of Procedure Under 28 U.S.C. Section 1334**

### **A. Filing of Pleadings and papers**

#### **1. General Rule**

When a case or proceeding has been referred by this Court to the Bankruptcy Court, all papers and pleadings in or related to such case or proceeding shall be filed with the Clerk in the Bankruptcy Court pursuant to Local Bankruptcy Rules 1 and 2.

#### **2. Withdrawal of Reference of Certain Bankruptcy Proceedings**

##### **a. Filing of Motion for Withdrawal of Reference With Bankruptcy Clerk**

A motion pursuant to 28 U.S.C. § 157(d) to withdraw the reference of any bankruptcy case, contested matter or adversary proceeding referred to the Bankruptcy Court pursuant to 28 U.S.C. § 157(a) shall be filed with the Clerk in the Bankruptcy Court.



### **b. Withdrawal of Reference of Bankruptcy Cases**

A motion to withdraw the reference of a case to the Bankruptcy Court must be timely filed, and in any event, before the case is closed.

### **c. Withdrawal of Reference of Adversary Proceeding or Contested Matter**

A motion to withdraw an adversary proceeding or a contested matter which has been referred to the Bankruptcy Court must be filed by the earlier of eleven (11) days before the date scheduled for the first hearing on the merits and,

- i. in the case of an adversary proceeding, within twenty (20) days after the last pleading is permitted to be filed pursuant to Bankruptcy Rule 7012; or
- ii. in the case of a contested matter, within twenty (20) days after the last memorandum is permitted to be filed pursuant to Local Bankruptcy Rule 30(b)(4).

## **3. Filing of Pleadings In Transferred Cases**

a. If an entire case has been transferred from the Bankruptcy Court, all pleadings and papers in or related to such case shall be filed with the Clerk in the District Court.

b. Where only a portion of an entire case has been transferred, pleadings and papers with respect to the case (including any parts thereof that have been withdrawn, transferred, or removed) shall continue to be filed with the Clerk in the Bankruptcy Court. The Clerk in the Bankruptcy Court shall keep a docket sheet of all pleadings and papers filed in bankruptcy-related matters which are to be transferred to the District Court. All such pleadings and papers shall be formally transferred to the Clerk in the District Court promptly following the entry of the pleading or paper upon the docket sheet of the Bankruptcy Court.

4. Upon withdrawal, transfer or removal of any complaint to the District Court, plaintiff shall forward to defendant a notice and request to waive service of summons or the Clerk shall issue a District Court summons pursuant to F.R. Civ. P. 4(d) unless either of the aforementioned has already occurred pursuant to the Bankruptcy Rules.

5. This subsection (5) governs proceedings in personal injury tort and wrongful death actions which must be tried in the District Court pursuant to 28 U.S.C. § 157(b)(5). Except for the procedures contained within this subsection, these personal injury tort and wrongful death actions shall be instituted and all pleadings and papers filed in the same manner as all other cases under 28 U.S.C. § 1334. However, beneath the bankruptcy number, the pleading or other paper shall designate the pleading or paper as a "SECTION 157(b)(5) MATTER." When filing a complaint a completed civil cover sheet (A.O. Form JS-44c) should be submitted beneath the cover sheet required by Local Bankruptcy Rule 2(e). No summons shall be issued until the case is transferred to the District Court. However, upon filing the complaint, the Clerk in the Bankruptcy Court shall immediately transfer the case to the District Court and plaintiff shall forward to defendant(s) a notice and request to waive service of summons or the Clerk of the District Court shall issue a summons pursuant to Fed. R.Civ.P. 4(d).

## **B. Motions Concerning Venue in Bankruptcy Cases and Proceedings**

All motions concerning venue in cases arising under Title 11 or arising in or related to cases under Title 11 shall be determined by the Bankruptcy Court, except in those cases to be tried in the District Court pursuant to 28 U.S.C. § 157(b)(5).

### **Rule 405. Jury Trial**

**a. Demand.** In any bankruptcy proceeding any party may demand a trial by jury of any issue triable of right by jury by (1) serving upon the other parties a demand therefor in writing at any time after the commencement of the action and not later than 10 days after the service of the last pleading directed to such issue, and (2) filing the demand as required by Bankruptcy Rule 7005. Such demand may be indorsed upon a pleading of the party. If the adversary proceeding is one that has been removed from another court, any demand previously made under the rules of that court shall constitute a demand for trial by jury under this rule.

**b. Specification of Issues.** In the demand a party may specify the issues which the party wishes so tried; otherwise the party shall be deemed to have demanded trial by jury for all the issues so triable. If the party has demanded trial by jury for only some of the issues, any other party within 10 days after service of the demand or such lesser time as the court may order, may serve a demand for trial by jury of any other or all of the issues of fact in the action.

**c. Waiver.** The failure of a party to serve and file a demand as required by this rule constitutes a waiver by the party of trial by jury. A demand for trial by jury made as herein provided may not be withdrawn without the consent of the parties.

## APPENDIX C

### DISCOVERY GUIDELINES OF THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF MARYLAND\*

#### Table of Guidelines

1. Conduct of Discovery
2. Stipulations Setting Discovery Deadlines
3. Expert Witness Fees
4. Guidelines in Scheduling Depositions
5. Deposition Questioning, Objections and Procedure
6. Assertions of Privilege at Depositions
7. Making a Record of Improper Conduct During a Deposition
8. Delay in Responding to Discovery Requests
9. Guidelines Concerning Interrogatories, Requests for Production of Documents, Answers to Interrogatories and Written Responses to Document Requests

#### GUIDELINE 1: CONDUCT OF DISCOVERY

a) The purpose of these Guidelines is to facilitate the just, speedy, and inexpensive conduct of discovery in all adversary proceedings and contested matters before the Court, and these Guidelines will be construed and administered accordingly with respect to all attorneys, parties, and non-parties involved in discovery before this Court.

b) Compliance with these Guidelines will be considered by the Court in resolving discovery disputes including whether sanctions should be awarded pursuant to Bankruptcy Rule 7037 and Fed. R. Civ. P. 37.

c) Attorneys are expected to behave professionally and with courtesy towards all involved in the discovery process, including but not limited to opposing counsel, parties and non-parties.

d) Whenever possible, attorneys are expected to communicate with each other in good faith throughout the discovery process to resolve disputes without the need for intervention by the Court. In the event that such good faith efforts are unsuccessful, they should be promptly referred to the Court for resolution.

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\* These Discovery Guidelines are based on the Discovery Guidelines adopted by the United States District Court for the District of Maryland in July, 1999, and they have been adapted to incorporate bankruptcy terminology.

e) To the extent that any part of these Guidelines is considered by the Court to conflict with any Bankruptcy Rule, applicable Federal Rule of Civil Procedure, Local Bankruptcy Rule, or order of this Court in a particular proceeding or matter, then the conflicting rule or order should be considered to be governing.

## GUIDELINE 2: STIPULATIONS SETTING DISCOVERY DEADLINES

Subject to approval by the Court, attorneys are encouraged to enter into written discovery stipulations to supplement the Court's scheduling order.

## GUIDELINE 3: EXPERT WITNESS FEES

Unless counsel agree that each party will pay its own experts, the party taking an expert witness' deposition ordinarily pays the expert's fee for the time spent in deposition and related travel. See Local Bankr. Rule 42(j). Accordingly, counsel for the party that designated the expert witness should try to assure that the fee charged by the expert to the party taking the deposition is fair and reasonable. In the event a dispute arises as to the reasonableness or other aspects of an expert's fee, counsel should promptly confer and attempt in good faith to resolve the dispute without the involvement of the Court. If counsel are unsuccessful, the expert's deposition shall proceed on the date noted, unless the Court orders otherwise, and the dispute respecting payment shall be brought to the Court's attention promptly. The factors that may be considered in determining whether a fee is reasonable include, but are not limited to: (1) the expert's area of expertise; (2) the expert's education and training; (3) the fee being charged to the party who designated the expert; and (4) the fees ordinarily charged by the expert for non-litigation services, such as office consultations with patients or clients.

## GUIDELINE 4: GUIDELINES IN SCHEDULING DEPOSITIONS

a) Attorneys are expected to make a good faith effort to coordinate deposition dates with opposing counsel, parties, and non-party deponents, prior to noting a deposition.

b) Before agreeing to a deposition date, an attorney is expected to attempt to clear the date with his/her client if the client is a deponent, or wishes to attend the deposition, and with any witnesses the attorney agrees to attempt to produce at the deposition without the need to have the witness served with a subpoena.

c) An agreed upon deposition date is presumptively binding. An attorney seeking to change an agreed upon date has a duty to coordinate a new date before changing the agreed date.

## GUIDELINE 5: DEPOSITION QUESTIONING, OBJECTIONS AND PROCEDURE

a) An attorney should not intentionally ask a witness a question that misstates or mischaracterizes the witness' previous answer.

b) During the taking of a deposition it is presumptively improper for an attorney to make objections or give instructions to the deponent that coach or suggest to the deponent the substance of how a question should be answered or to make objections which are not consistent with Fed. R. Civ. P. 30(d) (1), made applicable by Bankr. Rule 7030. Objections should be stated as simply, concisely and non-argumentatively as possible to avoid coaching or making suggestions to the deponent, and to minimize interruptions in the questioning of the deponent (for example: "objection, leading"; "objection, asked and answered"; "objection, compound question"; "objection, form"). If an attorney desires to make an objection for the record during the taking of a deposition that reasonably could have the effect of coaching or suggesting to the deponent how to answer, then the deponent, at the request of any of the attorneys present, or, at the request of a party if unrepresented by an attorney, shall be excused from the deposition during the making of the objection.

c) An attorney should not repeatedly ask the same or substantially identical question of a deponent if the question already has been asked and fully and responsively answered by the deponent. Upon objection by counsel for the deponent, or by the deponent if unrepresented, it is presumptively improper for an attorney to continue to ask the same or substantially identical question of a witness unless the previous answer was evasive or incomplete.

d) It is presumptively improper to instruct a witness not to answer a question during the taking of a deposition unless under the circumstances permitted by Fed. R. Civ. P. 30 (d) (1) , Bankr. R. 7030. However, it is also presumptively improper to ask questions clearly beyond the scope of discovery permitted by Fed. R. Civ. P. 26(b)(1), Bankr. R. 7026, particularly of a personal nature, and continuing to do so after objection shall be evidence that the deposition is being conducted in bad faith or in such a manner as unreasonably to annoy, embarrass or oppress the deponent or party, which is prohibited by Fed. R. Civ. P. 30(d)(3).

e) If requested to supply an explanation as to the basis for an objection, the objecting attorney should do so, consistent with Guideline 5(b) above.

f) While the interrogation of the deponent is in progress, neither an attorney nor the deponent should initiate a private conversation except for the purpose of determining whether a privilege should be asserted. To do so otherwise is presumptively improper.

g) During breaks in the taking of a deposition no one should discuss with the deponent the substance of the prior testimony given by the deponent during the deposition. Counsel for the deponent may discuss with the deponent at such time whether a privilege should be asserted or otherwise engage in discussion not regarding the substance of the witness' prior testimony.

h) Unless otherwise ordered by the Court, the following persons may, without advance notice, attend a deposition: individual parties; a representative of non-individual parties; and expert witnesses of parties. Except for the persons identified above, counsel shall notify other parties not later than five (5) business days before the taking of a deposition if counsel desires to have a non-party present during a deposition. If the parties are unable to agree to the attendance of this person, then the person shall not be entitled to attend the deposition unless the party desiring to have the person attend obtains a Court order permitting him/her to do so. Unless ordered by the Court, however, a dispute regarding who may attend a deposition shall not be grounds for delaying the deposition. All persons present during the taking of a deposition should be identified on the record before the deposition begins.

i) Except for the person recording the deposition in accordance with Fed. R. Civ. P. 30(b), Bankr. R. 7030, during the taking of a deposition no one may record the testimony without the consent of the deponent and all parties in attendance, unless otherwise ordered by the Court.

#### GUIDELINE 6: ASSERTIONS OF PRIVILEGE AT DEPOSITIONS

a) When a claim of privilege is asserted during a deposition, and information is not provided on the basis of such assertion:

- i) In accordance with Fed. R. Civ. P. 26 (b) (5), Bankr. R. 7026, the person asserting the privilege shall identify during the deposition the nature of the privilege (including work product) that is being claimed.
- ii) After a claim of privilege has been asserted, the person seeking disclosure shall have reasonable latitude during the deposition to question the witness to establish other relevant information concerning the assertion of privilege, including: (i) the applicability of this particular privilege being asserted; (ii) any circumstances which may constitute an exception to the assertion of the privilege; (iii) any circumstances which may result in the privilege having been waived; and (iv) any circumstances that may overcome a claim of qualified privilege. In accordance with Fed. R. Civ. P. 26(b)(5), Bankr. R. 7026, the party asserting the privilege, in providing the foregoing information, shall not be required to reveal the information which is itself privileged or protected from disclosure.

#### GUIDELINE 7: MAKING A RECORD OF IMPROPER CONDUCT DURING A DEPOSITION

Upon request of any attorney, party unrepresented by an attorney, or the deponent if unrepresented by an attorney, the person recording the deposition in accordance with Fed. R. Civ. P. 30(b), Bankr. R. 7030, shall enter on the record a description by the requesting person of conduct of any attorney, party, or person attending the deposition which violates these guidelines, the Bankruptcy Rules, applicable Federal Rules of Civil Procedure, or the Local Rules of this Court.

## GUIDELINE 8: DELAY IN RESPONDING TO DISCOVERY REQUESTS

### a) Interrogatories, Requests for Production of Documents and Requests for Admission of Facts and Genuineness of Documents.

The Bankruptcy Rules and applicable Federal Rules of Civil Procedure designate the time prescribed for responding to interrogatories, requests for production of documents, and requests for admission of facts and genuineness of documents. Nothing contained in these guidelines modifies the time limits prescribed by the Bankruptcy Rules or applicable Federal Rules of Civil Procedure. Attorneys shall make good faith efforts to respond to discovery requests within the time prescribed by those rules.

Absent exigent circumstances, attorneys seeking additional time to respond to discovery requests shall contact opposing counsel as soon as practical after receipt of the discovery request, but not later than three days before the response is due. In multiple party cases, the attorney wanting additional time shall contact the attorney for the party propounding the discovery.

A request for additional time which does not conflict with a scheduling deadline imposed by the Bankruptcy Rules, applicable Federal Rules of Civil Procedure, the Local Rules of this Court or a Court order should not be unreasonably refused. If a request for additional time is granted, the requesting party shall promptly prepare a writing which memorializes the agreement which shall be served on all parties but need not be submitted to the Court for approval.

Unless otherwise provided by the Local Rules of this Court, no stipulation which modifies a Court-imposed deadline shall be deemed effective unless and until the Court approves the stipulation.

### b) Depositions.

Unless otherwise ordered by the Court or agreed upon by the parties, eleven days notice shall be deemed to be "reasonable notice" within the meaning of Fed. R. Civ. P. 30(b)(1), Bankr. R. 7030 for the noting of depositions.

## GUIDELINE 9: GUIDELINES CONCERNING INTERROGATORIES, REQUESTS FOR PRODUCTION OF DOCUMENTS, ANSWERS TO INTERROGATORIES AND WRITTEN RESPONSES TO DOCUMENT REQUESTS

a) A party may object to an interrogatory, document request, or part thereof, while simultaneously providing partial or incomplete answers to the request. If a partial or incomplete answer is provided, the answering party shall state that the answer is partial or incomplete.

b) No part of an interrogatory or document request should be left unanswered merely because an objection is interposed to another part of the interrogatory or document request.

c) In accordance with Fed. R. Civ. P. 26(b)(5), Bankr. R. 7026, where a claim of privilege is asserted in objecting to any interrogatory, document request, or part thereof, and information is not provided on the basis of such assertion:

- i) The party asserting the privilege shall, in the objection to the interrogatory, document request, or part thereof, identify with specificity the nature of the privilege (including work product) that is being claimed;
- ii) The following information should be provided in the objection, if known or reasonably available, unless divulging such information would cause disclosure of the allegedly privileged information;

(a) For oral communications:

- (i) the name of the person making the communication and the names of persons present while the communication was made, and where not apparent, the relationship of the persons present to the person making the communication;
- (ii) the date and place of the communication; and
- (iii) the general subject matter of the communication.

(b) For documents:

- (i) the type of document;
- (ii) the general subject matter of the document;
- (iii) the date of the document; and
- (iv) such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.

- (iii) Within twenty days after the receipt of the information contained in paragraph (ii), the party seeking disclosure of the information withheld may serve a motion to compel in accordance with the Local Bankr. Rule 42(h).

(d) In addition to paper copies, parties are encouraged, but not required, to exchange discovery requests and responses on computer disk in an ASCII or other commonly-accepted format if requested in order to reduce the clerical effort required to prepare responses and motions.



## **APPENDIX D**

### **COMPENSATION GUIDELINES FOR PROFESSIONALS IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF MARYLAND**

The following guidelines apply to professional fee applications in all bankruptcy cases in the United States Bankruptcy Court for the District of Maryland. These guidelines shall apply to all professionals seeking compensation pursuant to 11 U.S.C. §§327, 328, 330 and 331, including attorneys, accountants, examiners, investment bankers and real estate advisors, unless the court, in the order employing such professional or other order, provides otherwise. These guidelines set forth information to be contained in both interim and final applications for the approval of fees and expenses.

Although conformity to these guidelines will ensure that certain necessary information is included to assist the court in its review of professional fee applications, it must be remembered that the following are guidelines only. Applications for compensation may vary from case to case, and each application must be reviewed on its own merits depending upon the facts and circumstances of the case. Familiarity with and adherence to the following guidelines will, it is hoped, promote the submission of more uniform professional fee applications containing adequate information, and facilitate a meaningful review process and more expeditious action by the court.

#### **A. Format of Fee Applications.**

Bankruptcy Rule 2016(a) sets forth certain requirements with respect to professional fee applications. The application should set forth a detailed statement of (1) the services rendered, (2) the time expended, (3) the expenses incurred, (4) the amounts requested, (5) the rates charged for such services, (6) how the services rendered were necessary to the administration of, or beneficial at the

time at which the services were rendered toward the completion of, the case, (7) information relevant to a determination that the services were performed within a reasonable amount of time commensurate with the complexity, importance and nature of the problem, issue or task addressed, and (8) an affirmation that the compensation requested is reasonable based upon the customary compensation and reimbursement of expenses charged by the applicant and comparably skilled professionals in nonbankruptcy matters. In addition, applications should include a statement as to what payments have been made or promised to the applicant, the source of the compensation paid or promised, whether there is any sharing arrangement and the particulars as to any such sharing arrangement. Applications should also set forth the date the order approving employment was entered and the dates of entry of any previous orders approving interim compensation to the applicant and the amounts of compensation previously approved. Finally, fee applications should include a "lodestar" analysis and discussion of the factors identified in Johnson v. Georgia Highway Express, Inc., 488 F.2d 714 (5th Cir. 1974), and adopted by the Fourth Circuit in Barber v. Kimbrell's, Inc., 577 F.2d 216 (4th Cir. 1978), Anderson v. Booth, 658 F.2d 246 (4th Cir. 1978) and Harman v. Levin, 772 F.2d 1150 (4th Cir. 1985).

**B. Description of Services Rendered and Time Expended.**

Daily time sheets or a listing of daily time entries, in legible form, should be included in or attached to the application.<sup>1/</sup> The time sheets or time entries should provide an itemized listing of all services performed by each professional and paraprofessional and the time spent on each matter indicated. The

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<sup>1/</sup> Fee applications for matters handled on a contingent fee basis and applications required to be submitted pursuant to §506(b) should also conform to the applicable format guidelines set forth herein.

applicable billing rate for each professional and paraprofessional should be indicated.

Each professional and paraprofessional should record time in increments of tenths of an hour and keep contemporaneous time records. Time records should set forth in reasonable detail an appropriate narrative description of the services rendered. As a general rule, the description should include indications of the participants in and the length and nature of the activities undertaken. Examples of insufficient descriptions include "telephone call," "telephone call to X," "conference with client," "research," "review of documents," "review of pleadings," and "correspondence." Examples of satisfactory descriptions are set forth in footnote 3.

The broad "lumping" of services, or the grouping of different tasks within one block of time, should generally be avoided in favor of more specific descriptions.<sup>2/</sup> In recording time for each day, each professional and paraprofessional may describe in one entry the nature of the services rendered on a given task during that day and the aggregate time expended that day on such task, provided, however, that if the professional or paraprofessional works more than one hour on a task on any given day, the time record for that day should include internally, within the description of services for that day, the amount of time spent on each particular activity. A hypothetical time record complying with the foregoing is included below.<sup>3/</sup>

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<sup>2/</sup> Notwithstanding the general prohibition of "lumping", time entries for periods of one hour or less on a given day may be grouped together provided that a reasonable description of the services rendered within such time entry is provided.

<sup>3/</sup> A complying time entry would be:

"internal conference with X re cash collateral (.3); revise draft motion re cash collateral (.8); conf. call with Y and Z re cash collateral hearing (.5); review documents re cash collateral motion (1.1); legal research re cash collateral hearing (.5) ... Total Time 3.2"

The description of services required to be set forth is not intended to require the disclosure of privileged or confidential information, provided, that if additional detail is required, the court may direct that such additional information be furnished subject to appropriate protective conditions. Information set forth in a fee application shall not operate as a waiver of any applicable privilege, including the attorney/client privilege or work product doctrine.

Charges for conferences between individuals in the same firm on the same case are not objectionable, if reasonable, necessary and limited. Similarly, more than one professional may charge for attending a meeting or hearing on behalf of the same client if such attendance is reasonable, necessary and limited. An explanation as to why more than one professional attended such meeting or hearing may in certain circumstances be required, particularly if such multiple professional attendance does not appear to be reasonable in a particular situation.<sup>4/</sup>

Ordinarily, time entries should be organized by tasks and presented chronologically. An applicant should either organize the time sheets or present a time entry listing by discrete tasks where an application covers multiple tasks undertaken by the applicant during the time period covered by the application. Within each task identified, the time entries of all timekeepers working on such task should appear chronologically. In addition, the application should include a summary by timekeeper of the time spent on each task, the billing value for each timekeeper and a total billing amount for each task. Finally, the application should also include a brief narrative description as to why each task was undertaken, the current status thereof and the results or benefits achieved to date.

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<sup>4/</sup> In appropriate cases where there are multiple counsel from different firms representing the same party, such counsel may be required to submit their applications simultaneously.

It is not the intent of these guidelines to set forth a definitive listing of what tasks should be separately identified in each case or each professional fee application. However, where a discrete activity can reasonably be expected to continue over a period of at least three months and can reasonably be expected to constitute 10-20% or more of the fees to be sought for an interim period, the professional should present a separate chronological listing of time entries for such matter to the extent reasonably practicable. Examples of categories which might comprise separate tasks in a particular case are set forth below.<sup>5/</sup>

Subject to court approval, a trustee may employ himself or herself, or a firm with which the trustee is affiliated, as a professional. In such cases, applications for compensation should distinguish services rendered as trustee from those rendered by the professional seeking compensation.

Compensation sought for time spent traveling should indicate the mode and time of travel, the necessity for travel and whether any substantive work

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<sup>5/</sup>     Sample Task Listing for Attorneys

Asset analysis and recovery.  
Asset disposition/sales/leases/executory contracts.  
Business operations.  
Case administration.  
Claims administration and objections.  
Fee/employment applications and objections.  
Financing/cash collateral.  
Litigation [separately identify larger litigation matters  
as discrete tasks].  
Meetings of creditors.  
Plan and disclosure statement.

Sample Task Listing for Accountants

Accounting/auditing.  
Business analysis.  
Corporate finance.  
Data analysis.  
Litigation consulting.  
Tax issues.  
  
Valuation/projections.

was performed while traveling (e.g., preparing for hearing). If excessive or unreasonable, compensation for travel time may be reduced. If time is spent during travel working on other matters, such travel time should not also be billed to the bankruptcy case.

Compensation for time spent preparing and defending fee applications is appropriate if reasonable. Compensation for the preparation of fee applications will be based on the level and skill reasonably required to prepare the application.

**C. Reimbursement for Disbursements and Expenses.**

Disbursements and expenses for which reimbursement is sought should be summarized in the fee application by category and any unusual items explained. Excessive charges will not be reimbursed. The following are guidelines with respect to some (but not necessarily all) of the categories of reimburseable disbursements and expenses:

Photocopying. The applicable charge for photocopying should be the actual cost of such copying not to exceed 20¢ per page or, if an outside service is used, the actual cost of such copying.

Facsimile Transmission. Charges for out-going facsimile transmissions to long-distance telephone numbers are reimburseable at the lower of (i) toll charges or (ii) if such amount is not readily determinable, \$1.25 per page for domestic and \$2.50 per page for international transmissions. Charges for in-coming facsimile transmissions are not reimburseable.

Mileage. The applicable charge for automobile mileage should not exceed the government approved rate, plus actual parking charges incurred.

Travel. The actual expenses incurred for out-of-town travel are reimburseable. However, first-class airfare, luxury accommodations and deluxe meals are not reimburseable, nor are personal or incidental charges unless necessary as a result of unforeseen circumstances.

Computerized Legal Research. Reasonable expenses may be charged for computerized legal research, including Lexis and Westlaw, provided that there is a description of the legal research undertaken and the charges do not exceed the actual cost to the attorney.

Postage, Telephone, Courier and Freight. The cost of postage, freight, overnight delivery, courier services and telephone toll charges may be reimbursable, if reasonably incurred. Only the long distance component of cellular telephone charges is reimbursible. Charges for services such as messengers and overnight mail should not be incurred indiscriminately. Charges for local telephone services are not reimbursable. If normal, routine first-class postage is not customarily charged to other clients, then such postage would not be reimbursable; however, special postage charges or bulk mailings would ordinarily be reimbursable.

Court Costs. Court costs and disbursements are reimbursable.

Meals. Charges for meals are generally not reimbursable unless justified under appropriate circumstances or unless incurred as part of otherwise reimbursable out-of-town travel.

Overtime Charges. Overtime for non-professional and paraprofessional staff is reimbursable only if specifically justified in the application as necessary under the circumstances. Overtime charges for professional staff is not reimbursable.

Word Processing, Proofreading, Secretarial and Other Staff Services. Daytime, ordinary business hour charges for word processing, proofreading, secretarial, library and other staff services (exclusive of paraprofessional services) are generally considered office overhead items and, therefore, not reimbursable unless specifically justified in exceptional circumstances.

With respect to all disbursements and expenses for which reimbursement is sought, it must be understood that they must be of a kind and at a rate customarily charged to and collected from other clients and subject to the test of reasonableness under the circumstances of each case.

Each professional fee application in which the applicant is seeking reimbursement for expenses should include a statement that, with respect to expenses for which reimbursement is sought, the applicant is familiar with and has submitted the application in conformity with the "Compensation Guidelines for Professionals in the United States Bankruptcy Court for the District of Maryland."

**D. Lodestar Analysis, Johnson Factors And Billing Judgment.**

Each professional fee application should contain a "lodestar" analysis and discussion of the Johnson v. Georgia Highway Express, Inc. (supra) factors, as adopted by the Fourth Circuit in Barber v. Kimbrell's, Inc. (supra), including a statement as to the professional's application of billing judgment to the compensation sought by such professional.

The "lodestar" analysis should include a summary listing the name of each professional and paraprofessional for whom compensation is sought, the number of hours worked by each identified individual, that individual's hourly rate (which should not exceed such individual's standard hourly rate in other bankruptcy and non-bankruptcy matters), the total compensation sought for each such individual and a total of all compensation sought for the period in question, before and after applying billing judgment to the compensation requested. A similar detailed summary of disbursements and expenses by category should also be presented.

The fee application should discuss the application of the twelve Johnson v. Georgia Highway Express, Inc. factors, to the extent that they apply in each particular case. Those factors may be summarized as follows:



1. the time and labor expended;
2. the novelty and difficulty of the questions raised;
3. the skill required to properly perform the professional services rendered;
4. the professional's opportunity costs in pursuing the matter;
5. the customary fee for like work;
6. the professional's expectations as to compensation at the outset of the matter;
7. the time limitations imposed by the client or circumstances;
8. the amount in controversy and the results obtained;
9. the experience, reputation and ability of the professional;
10. the desirability or undesirability of the case within the professional community in which the case arose;
11. the nature and length of the professional relationship between the professional and client; and
12. professional fee awards in similar cases.

Not all of the foregoing twelve factors will be applicable to every fee application. However, they should be considered in the professional's exercise of billing judgment and discussed in the fee application. If a particular factor is not considered to be applicable, the application should so state. In addition, if the professional believes that other factors are relevant to the compensation requested, the foregoing list is not intended to be exhaustive. Professionals are encouraged to state all facts and circumstances that such professional believes to be relevant to the compensation requested.

In the final analysis, in making its determination with respect to a fee application and the amount of compensation to be awarded, the court will consider the nature, the extent, and the value of the services rendered.